

**UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA**

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**LOCAL RULES  
OF THE  
UNITED STATES BANKRUPTCY COURT  
FOR THE  
MIDDLE DISTRICT OF FLORIDA**

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**WITH AMENDMENTS  
EFFECTIVE December 1, 2004**

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## **Rule 1001-1**

### **SCOPE OF RULES; SHORT TITLE**

(a) These rules have been promulgated in accordance with Fed. R. Bankr. P. 9029. These rules shall apply to all cases under title 11 and in all civil proceedings arising under title 11, or arising in or related to cases under title 11 in the United States Bankruptcy Court for the Middle District of Florida ("Court").

(b) These rules are intended to supplement and complement the Bankruptcy Code and Federal Rules of Bankruptcy Procedure. These rules shall be applied, construed and enforced to avoid technical delays, to permit the expeditious consideration and determination of all pending matters, and to allow the inexpensive administration of estates under the Bankruptcy Code.

(c) For good cause, the Court may suspend the requirements set forth in these rules and may order proceedings in accordance with its direction.

(d) The local rules governing civil and criminal proceedings in the United States District Court shall not apply to cases or proceedings in the Court unless otherwise ordered by the Court.

(e) These rules shall be cited as "Local Rules"

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### ***Notes of Advisory Committee***

#### ***2004 Amendment***

This rule is amended to reflect conformity in the citation of Fed. R. Bankr. P. and Local Rules.

#### ***1997 Amendment***

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is

effective on April 15, 1997. Paragraphs (a) through (d) of this rule were formerly Local Rule 1.01(a) through (d). Paragraph (e) of this rule was formerly Local Rule 1.01(f). The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

### ***Notes of Advisory Committee<sup>1</sup>***

#### ***1995 Amendment***

The amendments to subparagraphs (a) and (b) of Local Rule 1.01 are stylistic. No substantive change is intended.

A new subparagraph (e) is added to specify that the definitions of words and phrases contained in 11 U.S.C. §§ 101, 902, and 1101, and Fed. R. Bankr. P. 9001, and the rules of construction contained in 11 U.S.C. § 102 also apply in the Local Rules.

Subparagraph (f) has been amended to expand the method of citation of the Local Rules to include the designation "(Bankr. M.D. Fla.)." References to the "Local Rules" as used herein shall mean the Local Rules (Bankr. M.D. Fla.).

These amendments were effective on February 15, 1995. The Court's Order Amending Local Rules of the United States Bankruptcy Court for the Middle District of Florida, No. 95-001-Mis-Tpa, entered on February 2, 1995, adopting these amendments provides that "[t]hese amendments govern all cases and proceedings commenced on or after February 15, 1995, and, insofar as practicable, all cases and proceedings then pending."

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<sup>1</sup>Pursuant to the Order Reconstitution Local Rules Lawyers' Advisory Committee, No. 94-004-Mis-Tpa, dated February 23, 1994, the Court reconstituted the membership of the Local Rules Lawyers' Advisory Committee (which shall be referred to herein as the "Advisory Committee") and requested the Advisory Committee to make such recommendations as appropriate generally concerning the Local Rules and specifically concerning the impact of the December 1, 1993, amendments to the Federal Rules of Civil Procedure. The Advisory Committee has drafted these notes with their proposed amendments to assist the Court, the bar, and the public in understanding the proposed amendments and in interpreting and following the rules if adopted by the Court.

## Rule 1001-2

### SCOPE OF ELECTRONIC FILING

(a) Only attorneys and other parties with log-ins and passwords ("Filing Users") issued by the Clerk may file documents electronically in the Court's Electronic Filing System ("CM/ECF") and shall adhere to all requirements as promulgated by the Clerk and posted on the Court's internet web site ([www.flmb.uscourts.gov](http://www.flmb.uscourts.gov)). The Clerk shall be responsible for maintaining and promulgating the requirements and guidelines as necessary.

(b) Filing Users must be attorneys admitted to the Bar of the United States District Court for the Middle District of Florida, United States trustees and their assistants, private trustees, governmental units, commercial claim filers, or others as may be provided by administrative order. To become a Filing User, attorneys and other parties must first register with the Clerk. To register with the Clerk, a Filing User must complete training in CM/ECF. The Clerk shall establish registration and certification procedures, which shall include administering a CM/ECF training program. The Clerk shall promulgate registration, certification **and training requirement and shall** create and keep a registry of authorized Filing Users.

(c) A Filing User, once properly registered with the Clerk, consents in writing to file all documents by electronic means with the Court solely using the Court's CM/ECF system or using email systems setup and monitored by the Clerk.

(d) Notwithstanding the foregoing, attorneys and other parties who are not Filing Users in CM/ECF are not required to electronically file pleadings and other papers in a case assigned to CM/ECF. Once registered, a Filing User may only withdraw from participation in CM/ECF with permission from the Court. Such withdrawal shall be filed in the form of a request to the Clerk.

(e) Any person or organization may access CM/ECF at the Court's internet web site by obtaining a PACER log-in and password. Those who have PACER access but who are not Filing Users may retrieve docket sheets and documents, but may not file documents electronically.

(f) Filing Users are permitted to file paper documents whenever CM/ECF is inaccessible or whenever the Filing User's computer system breaks down in order to meet filing deadlines or if the Court requires a paper document. In such instances, the Clerk shall insure that "After-hours Filing Procedures" are in place and operational. The Clerk may also request that Filing

Users file paper documents consistent with procedures posted on the Court's internet web site.

(g) A Filing User's written consent through the registration process will be kept in a registry created and maintained by the Clerk.

(h) Registration as a Filing User constitutes: (1) waiver of the right to receive notice by first-class mail and consent to receive notice electronically; and (2) waiver of the right to service by personal service or first-class mail and consent to electronic service, except with regard to summons and complaint under Fed. R. Bankr. P. 7004. Waiver of service and notice by first-class mail applies to notice of the entry of an order or judgment under Fed. R. Bankr. P. 9002.

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## ***Notes of Advisory Committee***

### ***2004 Amendment***

This amendment is adapted from the "Model Local Bankruptcy Court Rules for Electronic Case Filing" approved on September 11, 2001 by the Judicial Conference of the United States Courts. This amendment sets out overall electronic filing guidance and requirements, yet allows the Clerk flexibility in managing the details of this system. It is contemplated that the Clerk will actively coordinate such activities with members of the Bankruptcy Bar in the District.

This amendment also establishes a presumption that once attorneys or others become a "Filing User," they will file all documents in cases assigned to CM/ECF by electronic means only. Consistent with Fed. R. Bankr. P. 5005, this Rule strongly encourages attorney participation while not making electronic filing mandatory. (Fed. R. Bankr. P. 5005 in part states that a court "may permit" papers to be filed electronically, and provides that the Clerk "shall not refuse to accept for filing any paper presented...solely because it is not presented in proper form.")

### **Rule 1001-3**

#### **PRIVACY POLICY REGARDING PUBLIC ACCESS TO ELECTRONIC CASE FILES**

(a) In compliance with the policy of the Judicial Conference of the United States, and the E-Government Act of 2002, parties shall refrain from including, or shall partially redact where inclusion is necessary, the following personal data identifiers from documents and pleadings filed with the court, including exhibits thereto, whether filed electronically or in paper, unless otherwise ordered by the court or required by statute, the Federal Rules of Bankruptcy Procedure or the Official Bankruptcy Forms. This rule does not apply to the petition, schedules, statement of financial affairs, or other documents which are part of the Official Bankruptcy Forms, as these documents have been amended to comply with the Judicial Conference Privacy Policy. This rule does apply to:

- (1) Social Security numbers. If an individual's social security number must be included in a pleading, only the last four digits of that number should be used.
- (2) Names of minor children. If the involvement of a minor child must be mentioned, only the initials of that child should be used.
- (3) Dates of birth. If an individual's date of birth must be included in a pleading, only the year should be used.
- (4) Financial account numbers. If financial account numbers are relevant, only the last four digits of these numbers should be used.

(b) In compliance with the E-Government Act of 2002, a party wishing to file a document containing the personal data identifiers listed above may file an unredacted document under seal. This document shall be retained by the court as part of the record. The party shall also file a redacted copy for the electronic case file.

The responsibility for redacting these personal identifiers rests solely with counsel and the parties. The Clerk will not review the document for compliance with this rule.

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***Notes of Advisory Committee***

***2004 Amendment***

This amendment serves as guidance for implementing the Judicial Conference Privacy Policy and the E-Government Act of 2002.

**PART I.**

**COMMENCEMENT OF CASE;  
PROCEEDINGS RELATING TO PETITION  
AND ORDER FOR RELIEF**

**Rule 1002-1**

**FILING OF THE PETITION**

A petition commencing a case under the Code filed either by an attorney or non-attorney must be filed with the Clerk in compliance with Local Rule 5005-2(a).

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*Notes of Advisory Committee*

*2004 Amendment*

This is an enabling amendment, which permits the filing of bankruptcy cases by electronic means consistent with Fed. R. Bankr. P. 5005(a).

## **Rule 1007-1**

### **LISTS, SCHEDULES, & STATEMENTS**

The following shall be submitted at the commencement of a case for relief:

(1) Chapter 7, 9, 13 or 12 - The petition in accordance with Local Rule 5005-2 and a matrix in accordance with Local Rule 1007-2.

(2) Chapter 11 - The petition in accordance with Local Rule 5005-2; a matrix, a list of equity security holders and a list of creditors holding the twenty largest unsecured claims in accordance with Local Rule 1007-2; and a Case Management Information form in accordance with Local Rule 2081-1(b).

(3) All chapters when debtor is an individual - A Statement of Social Security Number (which sets out the debtor's full social security number, or states that the debtor does not have a social security number) signed under penalty of perjury by the individual debtor. In cases filed by Filing Users, the Filing User shall maintain the original Statement of Social Security Number for a period of four (4) years after closing the case. Failure to submit the Statement of Social Security Number may lead to dismissal of the case.

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### ***Notes of Advisory Committee***

#### ***2004 Amendment***

This amendment deletes the requirement to submit additional paper copies of petitions, schedules, or creditor lists. Those copies, which were distributed to case trustees, Internal Revenue Service, Securities and Exchange, or to the United States Trustee, will now be accessible on the Court's Electronic Filing System. It also deletes the requirement for an individual debtor not represented by an attorney to file a statement of assistance received in connection with the filing of the case. Fed. R. Bankr. P. 2016(c) requires every bankruptcy petition preparer to file a declaration under penalty of perjury disclosing any fee

received from or on behalf of the debtor in compliance with Section 110(h)(1). Further, in compliance with the Judicial Conference's policy on privacy, the rule requires the debtor's social security number be "submitted" to the court, rather than "filed." A Filing User is responsible for submitting the Statement of Social Security Number containing an image of the debtor's original signature as a separate non-viewable entry in CM/ECF and for submitting the debtor's full social security number during the case filing or case upload process. The amendment also requires a Chapter 11 debtor to submit a Case Management Information form at the beginning of a case.

### ***Notes of Advisory Committee***

#### ***1997 Amendment***

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

Paragraph (a) of this rule was formerly Local Rule 2.04(g). Paragraph (b) of this rule was formerly Local Rule 2.04(c). The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

#### ***1995 Amendment***

New subparagraph (c) to Local Rule 2.04 adds a requirement that individuals in bankruptcy cases who are not represented by an attorney are required to file with the petition an executed statement of assistance received in connection with the filing of the case in a form available from the Clerk's Office.

These amendments were effective on February 15, 1995.

## **Rule 1007-2**

### **MAILING -- LIST OR MATRIX**

(a) Master Mailing Matrix.

(1) A master mailing matrix must accompany each petition for all non-electronically filed cases. The master mailing matrix shall be provided in a computer readable format designated and published by the Clerk. In the event an attorney, bankruptcy petition preparer, or pro se debtor is unable to provide the matrix in computer readable format, the attorney or debtor shall follow such directions as the Clerk may reasonably give to facilitate the conversion of the matrix into computer readable format.

(2) The matrix submitted shall not include the names and addresses of the debtor, any joint debtor, the attorney for the debtor or debtors, and the United States Trustee. The matrix submitted shall include, in alphabetical order, the names and complete mailing addresses of all creditors and any general partners of the debtor.

(b) In Chapter 11 cases, the debtor shall file a formal list of creditors holding the twenty (20) largest unsecured claims required pursuant to Fed. R. Bankr. P. 1007(d). The Clerk shall designate these creditors as the "Local Rule 1007(d) Parties in Interest List" in CM/ECF. Upon appointment of a committee, the Clerk shall add to this list required by this subsection the names and addresses of the committee members, counsel for the committee, if any, authorized agents of the committee, if any, and shall delete the names and addresses of the creditors holding the twenty (20) largest unsecured claims. The Clerk shall also add parties to this list pursuant to Rule 2002-1(e) of these rules. (c) Equity Security Holders Mailing Matrix.

In addition, in cases where there are equity security holders (except publicly traded equity securities), a formal list, titled "Equity Security Holders Matrix," shall be filed in conformance with paragraph (a) above.

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## ***Notes of Advisory Committee***

### ***2004 Amendment***

This amendment removes the requirement for Filing Users to file matrices in paper or on computer diskettes because Filing Users are able to file matrices directly into CM/ECF.

### ***1997 Amendment***

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

Paragraphs (a) and (b) of this rule were formerly paragraphs (e) and (f) of Local Rule 2.04. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

### ***1995 Amendment***

Local Rule 2.04(e) (1) has been amended to require that in any case in which the number of creditors exceeds fifty (50), the master mailing matrix shall be provided in a computer readable format designated and published from time to time by the Clerk. In all other cases, the master mailing matrix may be provided in either the computer readable format or on an Avery Label 5351, 33 block, or similar product as may be from time to time designated and published by the Clerk.

Local Rule 2.04 (e) (3) has been amended to provide, consistent with current practice, that upon appointment of a committee, the Clerk shall add to the mailing matrix the names and addresses of the committee members, counsel for the committee, and any authorized agents of the committee, and shall delete therefrom the names and addresses of the creditors holding the twenty (20) largest unsecured claims.

These amendments were effective on February 15, 1995.

## **Rule 1009-1**

### **AMENDMENTS TO LISTS & SCHEDULES**

(a) This rule applies to amendments to schedules, petitions, lists, matrices, statement of social security numbers, and statements of financial affairs,

(b) Amendments must contain a caption including the case number and the title, and should only contain additional, or indicate deleted information.

(c) The amendment must be executed and verified under penalty of perjury by the debtor and attorney of record in the same manner that the item being amended was originally executed.

(d) Amendments that add ten or more creditors shall comply with the provisions of Local Rule 1007-2(a) applicable to the submission of the master mailing matrix with the original petition.

(e) The debtor shall give notice of the amendment to any entity or entities affected thereby along with a copy of the original 341 notice and, where applicable, the trustee, and file a proof of service with the Clerk.

(f) In compliance with the policy of the Judicial Conference to protect personal data identifiers, an amendment to the debtor's Statement of Social Security number shall be "submitted" not "filed" by a non-electronic filer. Filing Users shall electronically submit the amendment to the debtor's Statement of Social Security Number containing an image of the debtor's original signature as a separate non-viewable entry in CM/ECF. The Filing User shall maintain an originally signed and verified amended statement setting out the debtor's full social security number for a period of four (4) years after the closing the case.

(g) Amendments to debtor's schedules of creditors, lists of creditors, matrix, or mailing list, require the prescribed filing fee unless the nature of the amendment is to change the address of a creditor or an attorney listed for a creditor.

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## ***Notes of Advisory Committee***

### ***2004 Amendments***

This amendment to the Local Rule above, as with similar amendments removes the requirement to submit additional paper copies of documents because those parties requiring copies will have access to these documents under CM/ECF. It also adds instructions for filing an amendment to the debtor's Statement of Social Security Number. Further, it clarifies when a filing fee is due with an amendment.

### ***1997 Amendment***

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

This rule was formerly Local Rule 2.06. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

### ***1995 Amendment***

This rule is amended to substitute the term "proof of service" for "certificate of service" as required by amended Rule 2.19(a). The other amendment to Local Rule 2.06(d) is stylistic. No substantive change is intended.

These amendments were effective on February 15, 1995.

## **Rule 1015-1**

### **JOINT ADMINISTRATION/CONSOLIDATION**

If a husband and a wife file a joint petition, or if an involuntary petition is filed against a husband and a wife, the trustee shall administer their estates jointly without order of the court. If the trustee, a debtor or any other party in interest desires that the trustee administer the estates separately, that party may move for an order of separate administration.

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### ***Notes of Advisory Committee***

#### ***1997 Amendment***

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

This rule was formerly Local Rule 2.05. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

## **Rule 1019-1**

### **CONVERSION -- PROCEDURE FOLLOWING CHAPTER 11 CONFIRMATION**

To the extent conversion is permitted by law, a debtor may convert a Chapter 11 case after confirmation of a plan of reorganization only on order of the Court obtained by motion and hearing with notice to all creditors and parties in interest.

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#### ***Notes of Advisory Committee***

##### ***1997 Amendment***

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

This rule was formerly Local Rule 3.06(d). The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

## **Rule 1020-1**

### **CHAPTER 11 SMALL BUSINESS CASES -- GENERAL**

**[Abrogated]**

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#### ***Notes of Advisory Committee***

##### ***1998 Amendment***

On December 1, 1997, amendments to the Federal Rules of Bankruptcy Procedure added new Rule 1020, entitled "Election to be Considered a Small Business in a Chapter 11 Reorganization Case." This new rule was made necessary by the amendments to the Bankruptcy Code included in the Bankruptcy Reform Act of 1994, Pub. L. No. 103-394. The Court had adopted Local Rule 1020-1 in 1995 as an interim matter pending amendment of the Federal Rules of Bankruptcy Procedure. The local rule is now abrogated as duplicative of national rule.

This amendment is effective on October 15, 1998.

##### ***1997 Amendment***

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

This rule was formerly Local Rule 3.04B(a). The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

##### ***1995 Note<sup>3</sup>***

This rule is designed to implement §§ 1121(e) and 1125(f) that were added to the Code by the Bankruptcy Reform Act of 1994. These amendments are applicable in cases commenced on or after October 22, 1994.

If the debtor is a small business and has elected under § 1121(e) to be considered a small business, § 1125(f) permits the court to conditionally approve a disclosure statement subject to final approval after notice and a hearing. If a disclosure statement is conditionally approved, and no timely objection to the disclosure statement is filed, it is not necessary for the court to hold a hearing on final approval.

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<sup>3</sup>This is Suggested Interim Bankruptcy Rule 2 drafted by the Advisory Committee on Bankruptcy Rules of the Committee on Rules of Practice and Procedure of the Judicial Conference of the United States. The committee has recommended the adoption of this interim rule as a local rule pending revision of the Federal Rules of Bankruptcy Procedure to conform to, and implement, the Bankruptcy Reform Act of 1994, Pub. L. No. 103-394. The Court adopted this rule effective February 15, 1995. The text of the note was drafted by the committee.

## **Rule 1071-1**

### **DIVISIONS -- BANKRUPTCY COURT**

(a) The Middle District of Florida consists of those counties and places of holding court as designated in 28 U.S.C. § 89.

(b) The District shall be divided into four Divisions to be known as the Jacksonville, Orlando, Tampa and Ft. Myers Divisions, as follows:

(1) The Jacksonville Division shall consist of the following counties: Baker, Bradford, Citrus, Clay, Columbia, Duval, Flagler, Hamilton, Marion, Nassau, Putnam, St. Johns, Sumter, Suwannee, Union and Volusia. The place of holding court shall be Jacksonville.

(2) The Orlando Division shall consist of the following counties: Brevard, Lake, Orange, Osceola, and Seminole. The place of holding court shall be Orlando.

(3) The Tampa Division shall consist of the following counties: Hardee, Hernando, Hillsborough, Manatee, Pasco, Pinellas, Polk and Sarasota. The place of holding court shall be Tampa.

(4) The Ft. Myers Division shall consist of the following counties: Charlotte, DeSoto, Glades, Collier, Hendry and Lee. The place of holding court shall be Ft. Myers; provided, however, the Ft. Myers docket shall be kept and administered as directed by the Chief Judge.

(c) All cases shall be commenced in that Division in which the domicile, residence, principal place of business, or principal assets of the person or entity that is the subject of such case have been located for the 180 days immediately preceding such commencement, or for a longer portion of 180 day period than the domicile, residence, principal place of business or principal assets of such person were located in any other Division; or in which there is pending a case under the Bankruptcy Code concerning such person's affiliate.

(d) If a case is filed in a Division other than as provided for in paragraph (c) above, the Court, on its own motion or the motion of any interested party, may order that the case be transferred to the Division as provided for in paragraph (c) above.

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### ***Notes of Advisory Committee***

#### ***1997 Amendment***

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

This rule was formerly Local Rule 1.03. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

#### ***1995 Amendment***

This amendment abolishes the Ocala Division as a separate, freestanding division of the Court and reassigns to the Jacksonville Divisions the counties that presently comprise the Ocala Division. Because of the lack of facilities available to the Court in Ocala, bankruptcy court has not been conducted in Ocala for some considerable period of time. For this reason, cases from counties comprising the Ocala Division have been treated by the Court as filed in and assigned to the Jacksonville Division. In March, 1994, the Judicial Conference of the United States deleted Ocala from the List of approved places for holding bankruptcy court. This amendment, therefore, merely conforms the Local Rules to existing practice.

These amendments were effective on February 15, 1995.

## **Rule 1073-1**

### **ASSIGNMENT OF CASES**

(a) Initial Assignment of Cases -- General. The Clerk shall assign all cases filed in --

(1) a Division with two or more resident judges, to an individual judge selected by utilization of a blind draw system. The blind draw system is designed to ensure that individual assignment of cases within each Division with two or more resident judges is made at random or by lot. Neither the Clerk nor any member of the Clerk's staff shall have any power or discretion in determining the judge to whom any case is assigned. The method of assignment shall be designed to prevent anyone from choosing the judge to whom a case is to be assigned, and all persons shall conscientiously refrain from attempting to circumvent this rule.

(2) a Division with one resident judge, to the individual judge resident in that Division.

(3) the Ft. Myers Division, to a judge resident in the Tampa Division as designated by the Chief Judge.

(b) Initial Assignment of Cases -- Special Provisions. Notwithstanding any provision of subsection (a) to the contrary --

(1) The Court may provide that the Clerk shall assign to a particular judge cases filed only under a certain chapter or chapters of the Bankruptcy Code.

(2) The Court may provide that cases be assigned to judges under the blind draw system in such proportions as the court may from time to time direct.

(3) The Clerk shall assign successive cases filed by or against the same debtor and multiple cases filed by or against related entities or affiliates to the judge assigned the previously filed case if the successive cases are filed in the same division as the first such case. If the successive case is filed by the same debtor in a different division than the previous case within two years of closing the previous case, the Clerk shall assign the successive case to the judge assigned the previous case. For purposes of this subsection (b)(3), a successive case includes a case that is later refiled after it is dismissed. It shall be the duty of counsel or the petitioning

party or parties, if not represented by counsel, to bring such matters to the attention of the Clerk by noting full particulars about the previous or related filings on the second page of the Voluntary Petition (Official Form No. 1) or on a separate Notice of Successive or Related Cases.

(4) No application or motion for any order of court shall be made until the case or proceeding in which the matter arises has been docketed and assigned by the Clerk as prescribed by subsection (a) of this rule, and then only to the judge to whom the case has been assigned; provided, however:

(A) When no case has previously been initiated, docketed, and assigned, emergency applications and motions arising during days or hours that the Clerk's Office is closed may be submitted to any available judge resident in the appropriate Division, or, if no judge is available in the Division, to any other judge in the District, but the case shall then be docketed and assigned by the Clerk on the next business day and shall thereafter be conducted by the judge to whom it is assigned in accordance with subsection (a) of this rule.

(B) When the judge to whom a case or proceeding has been assigned is temporarily unavailable due to illness, absence, or prolonged engagement in other judicial business, emergency applications and motions arising in the case or proceeding may be made to the other resident judge in the Division or, if more than one, to the judge who is junior in date of appointment in that Division. If no other judge is available in the Division, such applications or motions may be made to any other available judge in the District.

(c) Reassignment of Cases and Proceedings Due to Disqualification or Recusal. In the event a judge is unable, because of the entry of an order of disqualification or recusal, to preside in a case or proceeding that is pending in --

(1) a Division with more than two resident judges, the Clerk shall reassign the case or proceeding to another judge resident in that Division selected by utilization of a blind draw system.

(2) a Division with two resident judges, the Clerk shall reassign the case or proceeding to the other judge resident in that Division.

(3) a Division with one resident judge, the Clerk shall reassign the case or proceeding to a judge in another Division as designated by the Chief Judge.

(d) Successive Reassignment of Cases and Proceedings Due to Disqualification or Recusal. In the event a successor judge who is reassigned a case or proceeding is unable to preside because of the entry of an order of disqualification or recusal, the Clerk shall reassign the case or proceeding --

(1) to another judge resident in that Division, if there is one who is able to preside (by utilization of a blind draw system if there is more than one remaining judge able to preside); or

(2) to another judge selected by the Chief Judge if there is no other judge resident in that Division who is able to preside.

(e) Reassignment of Cases and Proceedings for Other Reasons.

(1) Nothing contained in this rule is intended to limit the authority of the Chief Judge pursuant to 28 U.S.C. § 154(b) to assign or reassign cases and proceedings as may be necessary to ensure that the business of the Court is handled effectively and expeditiously or of any judge to reassign cases and proceedings for other appropriate reasons, such as to equalize caseloads among judges, distribute cases to new judges, and the like.

(2) The judge to whom any case or proceeding is assigned may, at any time, reassign the case or proceeding to any other consenting judge for any limited purpose or for all further purposes.

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***Notes of Advisory Committee  
2004 Amendment***

This amendment clarifies that the Chief Judge will assign a judge resident in the Tampa Division to Ft. Myers cases and deletes the requirement for a general standing order in the assignment of cases.

### ***1997 Amendment***

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

This rule was formerly Local Rule 1.04. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

### ***1995 Amendment***

This amendment simply makes technical and grammatical changes necessary because of the abolition of the Ocala Division as contained in the amendment to Local Rule 1.03.

These amendments were effective on February 15, 1995.

### ***1993 Amendment***

This rule was substantially modified effective February 1, 1993, in anticipation of the arrival of new judges as a result of the expansion of the membership of the court that was authorized by the Congress.

## **Rule 1074-1**

### **CORPORATIONS AND OTHER NON-NATURAL PERSONS**

Corporations, partnerships, trusts and other non-individual parties may appear and be heard only through counsel permitted to practice in the Court pursuant to Local Rule 2090-1.

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#### ***Notes of Advisory Committee***

##### ***1997 Amendment***

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

This rule was formerly Local Rule 1.08(d). The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

## **PART II.**

### **OFFICERS AND ADMINISTRATION; NOTICES; MEETINGS; EXAMINATIONS; ELECTIONS; ATTORNEYS AND ACCOUNTANTS**

#### **Rule 2002-1**

##### **NOTICE TO CREDITORS & OTHER INTERESTED PARTIES**

(a) Pursuant to Fed. R. Bankr. P. 2002(i), the notices required by Fed. R. Bankr. P. 2002(a)(2), (3) and (6) may be delivered only to the parties on the Local Rule 1007-2 Parties in Interest List. Proof of service for each notice shall be filed with the Court in accordance with the provisions of Local Rule 7005-1.

(b) The Clerk may require the debtor, the trustee or other party in interest filing a petition, a complaint, an objection or other pleading for which a notice may be required, to provide for the preparation and the mailing of such notice as the Court may designate and to cause to be filed with the Clerk proof of service in accordance with the provisions of Local Rule 7005-1.

(c) Notices shall be in such form as may be directed by the Clerk or as may be ordered by the Court. All notices shall bear the return address of the debtor's attorney or debtor if filing pro se. Filing Users who have written consent to file and receive documents by electronic means may file and serve notices under Fed. R. Bankr. P. 2002(a) and (d) upon any other Filing User so consented. A Filing User's Proof of Service may also be filed by electronic means with the Court.

(d) The cost or expense incurred in providing such notices and related services shall be an administrative expense to be paid or reimbursed pursuant to 11 U.S.C. § 503(a). If such cost or expense is consistent with, and not in excess of, a standard schedule of charges approved by the Court, the payment for such cost or expense may be approved by the Clerk without a hearing unless a party in interest shall make a timely request for and provide an appropriate notice of the time and place of the hearing.

(e) Any party in interest upon filing with the Clerk a request for notice pursuant to Fed. R. Bankr. P. 2002(i) shall be placed on the Local Rule 1007-2 Parties in Interest List and

thereafter receive copies of all notices, orders and other pleadings which are served on the parties listed on the Local Rule 1007-2 Parties in Interest List. The request for notices shall be served on the trustee or debtor-in-possession, as appropriate.

(f) If the Court directs an attorney for a party to serve an order, it shall be served within three (3) days of its having been entered by the Court and the attorney shall thereafter promptly file a proof of such service in accordance with the provisions of Local Rule 7005-1.

(g) Where a party is authorized by the Federal Rules of Bankruptcy Procedure, Local Rule, or order of the Court to give notice of a hearing or the time in which an objection or request for hearing is required, such notice shall be on the face of the first page of such notice, pleading or other submission.

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### ***Notes of Advisory Committee***

#### ***2004 Amendment***

This amendment corrects the Bankruptcy Rules citation to that of the currently used citation. This amendment, 2002-1(a), recognizes that the Clerk may more expeditiously give notice to creditors or parties in interest through the Bankruptcy Noticing Center (BNC). For practical purposes, only when the Clerk cannot reasonably process notices through BNC, would the Clerk request the moving party to send notice to creditors or other parties in interest.

This amendment, 2002-1(c), adds a provision permitting Filing Users the ability to complete service of pleadings by electronic means.

### ***Notes of Advisory Committee***

#### ***1997 Amendment***

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering

system, no change in substance is intended. This amendment is effective on April 15, 1997.

Paragraph (a) of this rule was formerly Local Rule 3.03. Paragraphs (b) through (g) of this rule were formerly paragraphs (b) through (f) and (h) of Local Rule 2.19. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

### ***1995 Amendment***

This rule is amended to substitute the term "proof of service" for "certificate of service" as required by amended Rule 2.19(a). The provisions as to the content of the proof and the time for filing the proof are deleted because those subjects are now contained in amended Rule 2.19(a).

These amendments were effective on February 15, 1995.

**NOTE! On December 1, 2009, several deadlines in this Local Rule changed; the 20 day periods in 2002-4(b) (4) and 2002-4(d) (1) became 21 days, and the 10 day period in 2002(4) (d) became 14 days. It is expected that the 15 day period in 2002-4(b) (4) (i) will become a 14 day period on December 1, 2010, the date the Judicial Conference is anticipated to approve the changes to the deadlines in the related Federal Rule of Bankruptcy Procedure 4001(d). Please also note the revised language in the negative notice legend and incorporate the new language in your practice.**

## **Rule 2002-4**

### **NEGATIVE NOTICE PROCEDURE**

(a) The following motions, objections, and other matters may be considered by the Court without an actual hearing under the negative notice procedure described in this rule if no party in interest requests a hearing:

(1) Motions to approve agreements relating to relief from the automatic stay, prohibiting or conditioning the use, sale, or lease of property, providing adequate protection, use of cash collateral, and obtaining credit pursuant to Fed. R. Bankr. P. 4001(d).

(2) Motions to avoid liens on exempt property pursuant to Fed R. Bankr. P. 4003(d).

(3) Motions to use, sell, or lease property not in the ordinary course of business pursuant to Fed. R. Bankr. P. 6004(a) but not motions to sell property free and clear of liens or other interests pursuant to Fed. R. Bankr. P. 6004(c).

(4) Notices of abandonment pursuant to Fed. R. Bankr. P. 6007(a) and motions to compel abandonment pursuant to Fed. R. Bankr. P. 6007(b).

(5) Motions to approve compromises or settlements pursuant to Fed. R. Bankr. P. 9019(a).

(6) Other motions, objections, and matters if permitted by the presiding judge.

(b) Motions, objections, and other matters filed pursuant to this negative notice procedure shall:

(1) Be served in the manner and on the parties as required by the provisions of the Federal Rules of Bankruptcy Procedure, Local Rule, or any order of Court applicable to motions, objections, or matters of the type made and shall be filed with the proof of such service in accordance with the provisions of Local Rule 7005-1.

(2) To the extent permitted under the Federal Rules of Bankruptcy Procedures, Local Rules, or any order of the Court, a Filing User may make use of these Negative Notice Procedures by serving motions, objections, and other matters by electronic means to any other Filing User or other party who consents to receive service by electronic means.

(3) Contain a negative notice legend prominently displayed on the face of the first page of the paper. The negative notice legend shall be in a form substantially as follows:

**NOTICE OF OPPORTUNITY TO  
OBJECT AND FOR HEARING**

**Pursuant to Local Rule 2002-4, the Court will consider this motion, objection, or other matter without further notice or hearing unless a party in interest files an objection within     [number]     days from the date this paper is entered on the docket. If you object to the relief requested in this paper, you must file your objection with the Clerk of the Court at     [address]    , and serve a copy on the movant's attorney,     [name and address, and any other appropriate persons]    .**

**If you file and serve an objection within the time permitted, the Court may schedule a hearing and you will be notified. If you do not file an objection within the time permitted, the Court will consider that you do not oppose the granting of the relief requested in the paper, will proceed to consider the paper without further notice or hearing, and may grant the relief requested.**

(4) For the purpose of completing the above negative notice legend , the number of days during which parties may object that is placed in the negative notice legend shall be 21 days except:

(i) in the case of motions to approve agreements relating to relief from the automatic stay, prohibiting or conditioning the use, sale, or lease of property, providing adequate protection, use of cash collateral, and obtaining credit pursuant to Fed. R. Bankr. P. 4001(d), the time shall be 15 days; and

(ii) in the case of objections to proofs of claim pursuant to Fed. R. Bankr. P. 3007, the time shall be 30 days.

(c) In the event a party in interest files an objection within the time permitted in the negative notice legend, the Court may schedule a hearing on the motion, objection, or other matter upon notice to the movant's attorney, the objecting party or parties, and others as may be appropriate.

(d) In the event no party in interest files an objection within the time permitted in the negative notice legend as computed under Fed. R. Bankr. P. 9006(a) and (f), the Court will consider the matter in chambers without further notice or hearing upon the submission by the movant of a proposed form of order granting the relief. The movant shall submit the proposed order not later than ( ) fourteen (14) days after the expiration of the objection period. In the event the movant fails to submit a proposed form of order within this time, the Court may enter an order denying the matter without prejudice for lack of prosecution. In addition to any other requirements, the proposed form of order shall recite that:

(1) The motion, objection, or other matter was served upon all interested parties with the Local Rule 2002-4 negative notice legend informing the parties of their opportunity to object within 21(or other) days of the date of service;

(2) No party filed an objection within the time permitted; and

(3) The Court therefore considers the matter to be unopposed.

(e) Nothing in this rule is intended to preclude the Court from conducting a hearing on the motion, objection, or other matter even if no objection is filed within the time permitted in the negative notice legend.

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## ***Notes of Advisory Committee***

### ***2004 Amendment***

This amendment corrects the Bankruptcy Rules citation to that of the currently used citation. Further, this amendment under section (b) (2) above allows Filing Users, i.e. those registered with the Court to file pleadings electronically, to take further advantage of using Negative Notice procedures within the electronic filing environment. Together with other Local Rule changes, these amendments are designed to assist attorneys in fulfilling the new electronic filing requirements. Former section (b) (2) is renumbered to (b) (3).

### ***1997 Amendment***

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

This rule was formerly Local Rule 2.19A. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

### ***1995 Amendment***

The rule codifies the negative notice procedure that has been in use, in varying degrees, in the Court for some time. As authorized by 11 U.S.C. § 102(1), orders required to be entered "after notice and a hearing," or a similar phrase in the Bankruptcy Code or Federal Rules of Bankruptcy Procedure, may be entered without an actual hearing if appropriate notice is given and no party in interest requests a hearing. This rule is intended to give effect to this authorization in those kinds of matters that experience teaches frequently trigger no opposition. The Advisory Committee considers that this rule will substantially enhance the efficiency and economy of the practice in the Court.

Subparagraph (a) (6) contemplates that the list of motions authorized to be made under the negative notice procedure, as set

forth in subparagraph (a)(1) through (a)(5), may be expanded if authorized by the presiding judge for matters heard by that judge.

Although the Advisory Committee foresees that the rule will normally be used in connection with motions, it is intended by the drafters that the rule would also apply if a judge authorizes its use in matters in which an objection rather than a motion initiates the matter. For example, if authorized by a judge for matters before that judge, it could apply to objections to proofs of claim under Fed. R. Bankr. P. 3007. In that case, the party filing an objection to claim would be the "movant" and the objection to claim would be the "motion" for purposes of interpreting and applying the rule.

The rule further contemplates that, when no objection to the motion is filed within the prescribed period, the Court will review the motion for procedural and substantive regularity upon the movant's submission of a proposed form of order granting the motion. The Court may schedule a hearing on the motion if the Court, for any reason, determines that the circumstances make a hearing necessary or desirable.

These amendments were effective on February 15, 1995.

## **Rule 2007.1-1**

### **TRUSTEES & EXAMINERS (Ch. 11)**

**[Abrogated]**

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#### ***Notes of Advisory Committee***

##### ***1998 Amendment***

On December 1, 1997, amendments to the Federal Rules of Bankruptcy Procedure amended Rule 2007.1. These amendments were made necessary by amendments to the Bankruptcy Code included in the Bankruptcy Reform Act of 1994, Pub. L. 103-394. The Court had adopted Local Rule 2007.1-1 in 1995 as an interim matter pending amendment to the Federal Rules of Bankruptcy Procedure. The local rule is now abrogated as duplicative of the national rule.

##### ***1997 Amendment***

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

This rule was formerly Local Rule 3.04A. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

##### ***1995 Note<sup>2</sup>***

This rule implements the amendments to § 1104 of the Bankruptcy Code applicable in cases commenced on or after October 22, 1994, regarding the election of a trustee in a Chapter 11 case. The requirement that creditors receive at least 20-days' notice of the meeting may be reduced to a shorter period under Bankruptcy Rule 9006 (c)(1).

The procedures for reporting disputes to the court and the time limit for filing a motion to resolve any disputes derive from Bankruptcy Rule 2003(d). Because the person elected must be "disinterested," the United States trustee must file an application for court approval of the elected person in accordance with Bankruptcy Rule 2007.1(b).

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<sup>2</sup>This is Suggested Interim Bankruptcy Rule 1 drafted by the Advisory Committee on Bankruptcy Rules of the Committee on Rules of Practice and Procedure of the Judicial Conference of the United States. The committee has recommended the adoption of this interim rule as a local rule pending revision of the Federal Rules of Bankruptcy Procedure to conform to, and implement, the Bankruptcy Reform Act of 1994, Pub. L. No. 103-394. The Court adopted this rule effective February 15, 1995. The text of the note was drafted by the committee.

## **Rule 2015-3**

### **TRUSTEES -- REPORTS & DISPOSITION OF RECORDS**

Upon closing of a case under Chapter 7, the trustee may, upon thirty (30) days written notice to the debtor, debtor's attorney, and Internal Revenue Service, destroy any books or records in the Trustee's possession.

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#### ***Notes of Advisory Committee***

##### ***1997 Amendment***

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

This rule was formerly Local Rule 2.19(g). The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

## **Rule 2016-1**

### **COMPENSATION OF PROFESSIONALS**

In order to be considered at the confirmation hearing, applications of attorneys, accountants, auctioneers, appraisers and other professionals for compensation from the estate of the debtor pursuant to 11 U.S.C. § 503(b)(2), (3), (4), and (5) shall be filed with the Clerk, with a copy to the debtor, debtor's attorney, United States Trustee and any trustee appointed under 11 U.S.C. §§ 1104, 1202, or 1302, thirty (30) days prior to the confirmation hearing, or such other time as the Court may order. At any hearing to consider an application for compensation, the Court may also consider any supplement to such application for services rendered after the date of such application.

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#### ***Notes of Advisory Committee***

##### ***1997 Amendment***

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

This rule was formerly Local Rule 3.04. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

##### ***1995 Amendment***

This amendment to Local Rule 3.04 requires that applications of professionals for compensation also be served on the debtor, debtor's attorney, and any trustee appointed under 11 U.S.C. §§ 1104, 1202, or 1302.

These amendments were effective on February 15, 1995.

## **Rule 2081-1**

### **CHAPTER 11 – GENERAL**

The trustee or debtor-in-possession in a Chapter 11 case may operate the business of the debtor pursuant to 11 U.S.C. § 1108 and any order of the Court specifying terms and conditions of the operation of the debtor's business.

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#### ***Notes of Advisory Committee***

##### ***1997 Amendment***

This amendment conforms the existing Local Rule to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

This rule was formerly Local Rule 3.02. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

##### ***1995 Amendment***

The amendment dispenses with the requirement for the filing of a motion for authority to operate the business of the debtor. Consistent with current practice, it is contemplated that the court will enter an order sua sponte setting forth the requirements for operating the business of the debtor. It was the view of the Advisory Committee that dispensing with the requirement of filing a motion would reduce needless paperwork for counsel and the Clerk's office.

These amendments were effective on February 15, 1995.

**NOTE! On December 1, 2009, the 10 day period in  
Local Rule 2090-1(c)(1) became a 14 day period.**

## **Rule 2090-1**

### **ATTORNEYS -- ADMISSION TO PRACTICE**

(a) Except as provided for below, no attorney shall be permitted to appear or be heard as counsel for another in any case or proceeding in the Court unless first admitted to practice in the United States District Court for the Middle District of Florida pursuant to Rule 2.01 of the Local Rules for the United States District Court for the Middle District of Florida.

(b) An attorney residing outside the State of Florida, who is not admitted to practice in the United States District Court for the Middle District of Florida, may appear without the necessity of seeking special admission to practice as provided for in subparagraph (c) below, and may also appear without general or special admission to practice in the following limited instances: the preparation and filing of a Notice of Appearance and Request For Service of Notices pursuant to Fed. R. Bankr. P. 2002, the preparation and filing of a proof of claim, the attendance and inquiry at the meeting of creditors held under 11 U.S.C. § 341, and the attendance and representation of a creditor at a hearing that has been noticed to all creditors generally except the representation of a party in a contested matter or adversary proceeding.

(c) Special Admission to Practice.

(1) Any attorney residing outside the State of Florida, who is a member in good standing of the bar of any District Court of the United States other than the Middle District of Florida, may appear specially and be heard in any case or proceeding without formal or general admission; provided, however, such privilege is not abused by frequent or regular appearances in separate cases to such a degree as to constitute the maintenance of a regular practice of law in the Middle District of Florida; and provided further that, whenever a nonresident attorney appears as counsel by filing any pleading or paper in any case or proceeding pending in the Court except as specified in paragraph (b) above, the attorney shall, within ( ) fourteen (14) days thereafter, file a written designation and consent-to-act on the part of some member of the bar of the Middle District, resident in Florida, upon whom all notices and papers may be served and who will be responsible for the progress of the case; provided, however, the Court may waive such designation for good cause shown. The designation and consent-

to-act requirement shall be deemed satisfied by the filing of a pleading signed as co-counsel by the non-resident attorney and by the Florida resident attorney who is a member of the bar of this district.

(2) Any attorney representing the United States, or any agency thereof, having the authority of the Government to appear as its counsel, may appear specially and be heard in any case or proceeding in which the Government or such agency thereof is a party-in-interest, without formal or general admission.

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### ***Notes of Advisory Committee***

#### ***2004 Amendment***

This amendment corrects the Bankruptcy Rules citation to that of the currently used citation.

#### ***1997 Amendment***

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

This rule was formerly Local Rule 1.07(a)-(c)(1)-(2). The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

The reference in paragraph (a) of this rule is to District Court Local Rule 2.01. At the time of this amendment, the District Court had not taken action to renumber its local rules. In the event the District Court rennumbers its local rules, this rule should be interpreted to refer to the renumbered successor to current District Court Local Rule 2.01.

#### ***1995 Amendment***

The amendment to Local Rule 1.07(b) is stylistic. No substantive change is intended.

The amendment to Local Rule 1.07 (c)(1) specifies that the attorney executing the written designation and consent-to-act on behalf of the non-resident attorney be resident in the Middle District of Florida.

The amendment to Local Rule 1.07(c)(3) is intended to clarify that an attorney appearing specially is subject to the same disciplinary process as a member of the bar of the District Court.

These amendments were effective on February 15, 1995.

## **Rule 2090-2**

### **ATTORNEYS - DISCIPLINE**

(a) Any attorney who appears in this Court, including those appearing pro hac vice or pursuant to the provisions of Local Rule 2090-1(c) (1) or (2), shall be deemed to be familiar with and shall be governed by these rules and by the Rules of Professional conduct and other ethical limitations or requirements then governing the professional behavior of members of The Florida Bar and shall be subject to the disciplinary powers of the Court, including the processes and procedures set forth below in this Rule 2090-2.

(b) Any attorney who appears in this Court, either generally under Rule 2090-1(a) or (b) or specially under Rule 2090-1(c), may, after hearing and for good cause shown, be reprimanded, suspended (temporarily or permanently) from practice before this Court, or subjected to such other discipline as a judge of this Court may deem proper.

(c) Whenever it appears to the Court that any attorney who appears in this Court, either generally under Rule 2090-1(a) or (b) or then appearing specially under Rule 2090-1(c), has been disbarred or suspended from practice by the Supreme Court of Florida, or by any other court of competent jurisdiction, as the case might be, or has been disbarred on consent or resigned from the bar of any other court while an investigation into allegations of misconduct is pending, or has been convicted of a felony in any court, such disbarment, suspension, resignation, or conviction shall, twenty (20) days thereafter, operate as an automatic suspension of such attorney's right to practice in this Court; provided, however, the attorney may file, within such twenty- (20-) day period, a motion, with a copy served upon the United States Attorney, seeking relief from the operation of this rule, and if a timely motion is filed, suspension shall be stayed until the motion is determined. If such motion is filed by an attorney who has been admitted to practice generally under Rule 2090-1(a) or (b) of these rules, it shall be heard and determined by the Chief Judge of this Court sitting with any two or more judges of this Court as the Chief Judge of this Court shall designate. If such motion is filed by an attorney who has been admitted to practice specially under Rule 2090-1(c) of these rules, it shall be heard and determined by the judge assigned to the case in which such special appearance has been made.

(d) Any attorney who appears in this Court, upon being subjected to public discipline by any other Court of the United States or the District of Columbia, or by a court of any state,

territory, commonwealth, or possession of the United States, including any attorney who is disbarred on consent or resigns from any bar while an investigation into allegations of misconduct is pending, shall promptly inform the Clerk of this Court of such action.

(e) Without limiting a judge's ability to discipline an attorney as provided in subsection (b) of this rule, and in addition to or as an alternative to such ability, upon request of a judge of this Court the Chief Judge of this Court shall convene and appoint a Grievance Committee in the requesting judge's Division of the Court to conduct an investigation of alleged misconduct on the part of an attorney who appears in this Court, whether appearing generally under Rule 2090-1(a) or (b) or specially under Rule 2090-1(c). Each Grievance Committee so appointed shall consist of not less than five attorneys regularly practicing in that Division, three of whom shall constitute a quorum. Appointments shall be for the period of time necessary to conclude the investigation for which the Grievance Committee was appointed. The Court shall designate the Chairman of the Committee, but each Committee shall otherwise organize itself as it sees fit. All proceedings before the Committees may be conducted informally, but shall remain confidential unless otherwise ordered by the Court. Each Committee shall function as follows:

(1) When a requesting judge refers for investigation by a Committee any matter or question touching upon the professional behavior of an attorney, the Chairman of the Committee will promptly designate a member to investigate the matter and make a report to the Committee as a whole for the Committee's determination as to whether (i) the inquiry should be terminated because the question raised is unsupported or insubstantial; or (ii) the question raised justifies further inquiry but should be referred to the appropriate grievance committee of The Florida Bar; or (iii) the question raised should be pursued because there is probable cause to believe that the subject attorney has been guilty of unprofessional conduct justifying disciplinary action by the Court. The Chairman of the Committee shall then report the Committee's recommendation to the requesting judge and shall follow his or her direction.

(2) If the requesting judge directs prosecution under this Rule 2090-2, such report shall then be transmitted to the United States Attorney (or, if the United States Attorney be disqualified by interest, to another member of the bar appointed by the Chief Judge of this Court for that purpose) who shall file and serve a motion for an order to show cause upon the accused attorney. Such motion, and all further proceedings thereon, shall be heard and determined

by the Chief Judge of this Court sitting together with any two or more judges of this Court as the Chief Judge of this Court shall designate.

(f) It shall be the duty of every attorney who appears in this Court, either generally under Rule 2090-1(a) or (b) or specially under Rule 2090-1(c), to respond to the Court in any proceeding under subsection (b) of this rule or any Grievance Committee of the Court or the United States Attorney during the course of any investigation or prosecution being conducted pursuant to subsection (e) of this rule; provided, however, no attorney shall be entitled as of right to notice of the pendency of any such investigation unless and until the attorney is named in an order to show cause filed pursuant to subsection (e)(2) of this rule.

(g) Any discipline imposed under subsection (b) or (e) of this rule will be reported to the District Court for the Middle District of Florida.

(h) Nothing in this rule shall be construed as providing exclusive procedures for the discipline of an attorney in appropriate cases nor as a limitation upon the power of the Court to punish for contempt in appropriate cases.

(i) Attorneys and litigants should conduct themselves with civility and in a spirit of cooperation in order to reduce unnecessary cost and delay.

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## ***Notes of Advisory Committee***

### ***2009 Amendment***

This amendment adds a local disciplinary rule. Although bankruptcy courts possess the inherent power to discipline attorneys and impose sanctions, this rule is meant to address the policy and recommendation of the American Bar Association (ABA) that "the Federal Rules of Bankruptcy Procedure . . . be amended. . . to clarify the authority of bankruptcy courts to discipline attorneys . . . and require . . . bankruptcy courts to adopt and enforce local disciplinary rules with respect to attorneys practicing before them. . . ." American Bar Association, Report and Recommendation 117 at 2 (adopted August 2006). As of the date of this amendment, the Federal Rules of Bankruptcy Procedure have not been so amended. Nonetheless, for reasons recited in the ABA report as well as the Court's desire to provide formal, systemic disciplinary procedures as an option to the use of sua sponte discipline by one of the Court's bankruptcy judges, this Court has elected to act on the recommendation that a local disciplinary rule be adopted. Although attorneys who practice in the Bankruptcy Court must be admitted to practice in the United States District of Court for the Middle District of Florida, subject to that court's Rule 2.04(e)(1), only a portion of such attorneys actually appear in the District Court. Therefore, this Court deems it advisable to adopt its own grievance process pursuant to which this Court will address misconduct issues arising in cases in this Court.

### ***1997 Amendment***

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

This rule was formerly Local Rule 1.07(c)(3). The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

The reference in this rule is to District Court Local Rule 2.04. At the time of this amendment, the District Court had not taken action to renumber its local rules. In the event the District Court renumbers its local rules, this rule should be interpreted to refer to the renumbered successor to current District Court Local Rule 2.04.

**NOTE! On December 1, 2009, the 10 day period in  
Local Rule 2091-1 became a 14 day period.**

## **Rule 2091-1**

### **ATTORNEYS -- WITHDRAWALS**

No attorney, having made an appearance for a creditor in a contested matter or adversary proceeding or having filed a petition on behalf of a debtor, shall thereafter abandon the case or proceeding in which the appearance was made, or withdraw as counsel for any party therein, except by written leave of Court obtained after giving () fourteen (14) days' notice to the party or client affected thereby, and to opposing counsel.

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### ***Notes of Advisory Committee***

#### ***1997 Amendment***

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

This rule was formerly Local Rule 1.08(a). The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

#### ***1995 Amendment***

The amendments to Local Rule 1.08 are stylistic. No substantive change is intended.

These amendments were effective on February 15, 1005.

## **PART III.**

### **CLAIMS AND DISTRIBUTION TO CREDITORS AND EQUITY INTEREST HOLDERS; PLANS**

#### **Rule 3007-1**

#### **CLAIMS -- OBJECTIONS**

(a) Objections to claims shall state the legal and factual basis for the objection and the amount of the debt conceded, if any.

(b) For purposes of Fed. R. Bankr. P. 3007, service of an objection to a proof of claim shall be sufficient if it is served on the claimant by mailing a copy by prepaid, first class United States mail to:

(1) the attorney for the claimant, if the attorney has filed a notice of appearance and request for notice pursuant to F.R.B.P. 2002(g); and

(2)(i) the agent or representative of the claimant who executed the proof of claim, if the name and address of the agent or representative are legibly stated in the proof of claim; or

(ii) if the name and address of the agent or representative are not legibly set forth in the proof of claim, the claimant at all addresses given for the claimant in the proof of claim. When the claimant is a domestic or foreign corporation, a partnership, or other unincorporated association, the objection shall be mailed to the attention of an officer, a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process and, if the agent is one authorized by statute to receive service and the statute so requires, by also mailing a copy to the claimant.

(c) If the claimant is a governmental entity or an insured depository institution, the objection shall also be served in the manner required by Fed. R. Bankr. P. 7004.

(d) All proposed orders on objections to claims shall recite in the ordering paragraph that the objection is either sustained or overruled and that the claim is either allowed or disallowed.

(e) If the objecting party is a Filing User who has consented to file and receive documents by electronic means, the objection may be served electronically upon any other Filing User who has so consented.

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## ***Notes of Advisory Committee***

### ***2004 Amendment***

This amendment corrects the Bankruptcy Rules citation to that of the currently used citation. Further, this amendment, 3007(e) adds a provision permitting the Filing Users the ability to complete service of pleadings by electronic means.

### ***2000 Amendment***

As set forth in new paragraph (b)(1) of this rule, objections to claim are to be served on the attorney for the claimant if the claimant's attorney has filed a F.R.B.P. 2000(g) notice of appearance and request for notice. Service on the claimant's attorney of record is in addition to service on the claimant as previously required by former paragraphs (b)(1) and (b)(2) of the rule. Under this amendment, these former paragraphs are renumbered as subparagraphs (b)(2)(i) and (b)(2)(ii).

The additional service requirement contained in this amendment is designed to remedy problems arising when an objecting party properly serves the objection on the claimant but does not also serve the claimant's counsel of record. Claimants who employ counsel in a bankruptcy case reasonably expect that their attorneys will receive notice of actions affecting their claims. See, e.g., Fed. R.Civ.P. 5(b). Yet attorneys who have properly entered their appearances are not regularly served when parties object to their clients' claims. This failure to notice counsel has led to the unnecessary continuation of hearings and the setting aside of orders sustaining objections when counsel for the claimant, who has received no notice, fails to respond or appear.

This amendment also harmonizes service of objections to claims with service upon a debtor under Fed. R. Bankr. P. 7004(b)(9), which requires service on both the debtor and the debtor's counsel.

This amendment is effective on December 1, 2000.

### ***1997 Amendment***

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

This rule was formerly Local Rule 2.10. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

### ***1995 Amendment***

Fed. R. Bankr. P. 3007 requires that objections to the allowance of claims be served on "the claimant, the debtor or the debtor in possession and the trustee." Local Rule 2.10 deals with how the claimant who has filed a proof of claim is to be served with such an objection.

The amendment to subparagraph (b)(1) clarifies that objections to proofs of claim must be served on the agent or representative of the claimant who executed the proof of claim if that person's name and address are legibly stated in the proof of claim.

The amendment to subparagraph (b)(2) clarifies that, if this information is not legibly contained in the proof of claim, then the claimant must be served at all addresses given for the claimant in the proof of claim. This amendment also makes clear that, when the claimant is a corporation, partnership, or other unincorporated association, such an objection must be mailed to the attention of an officer, a managing or general agent, or other authorized agent of the claimant.

The amendment to subparagraph (c) is necessitated by Section 114 of the Bankruptcy Reform Act of 1994. This legislation amended Fed. R. Bankr. P. 7004 by providing additional certified mail service requirements for insured depository institutions.

In addition, the amendment continues the existing requirement that governmental entities also must be served in the special manners set forth in Fed. R. Bankr. P. 7004.

These amendments were effective on February 15, 1995.

## **Rule 3012-1**

### **VALUATION OF SECURITY -- SERVICE**

A party filing a motion to determine the secured status of a claim under 11 U.S.C. § 506 and Fed. R. Bankr. P. 3012 shall serve the holder of the secured claim in both the manner required by Local Rule 3007-1(b) and (c) and the manner required by Fed. R. Bankr. P. 7004.

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#### ***Notes of Advisory Committee***

##### ***2004 Amendment***

This amendment corrects the Bankruptcy Rules citation to that of the currently used citation.

##### ***2000 Amendment***

This new local rule is designed to ensure that a motion to determine the secured status of a claim is served on the person who filed the proof of claim and the claimant's attorney, just as an objection to a claim is served on the person who filed the proof of claim and the claimant's attorney. See Local Rule 3007-1(b) and (c).

In the past, parties have served such motions on corporate claimants in an appropriate manner under Fed. R. Bankr. P. 7004, but the person within the organization with knowledge of the claim has not received the motion until well after the court has already acted on the motion. In these circumstances, the Court has had to revisit the matter, and the work of the parties and the Court has been duplicated. By ensuring that a party also serves the motion on the individual who filed the proof of claim, it is thought that problems of this sort experienced in the past can be eliminated.

This amendment is effective on December 1, 2000.

## **Rule 3017-2**

### **DISCLOSURE STATEMENT -- SMALL BUSINESS CASES**

**[Abrogated]**

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#### ***Notes of Advisory Committee***

##### ***1998 Amendment***

On December 1, 1997, amendments to the Federal Rules of Bankruptcy Procedure amended Rule 2007.1. These amendments were made necessary by amendments to the Bankruptcy Code included in the Bankruptcy Reform Act of 1994, Pub. L. 103-394. The Court had adopted Local Rule 2007.1-1 in 1995 an interim matter pending amendment to the Federal Rules of Bankruptcy Procedure. The local rule is now abrogated as duplicative of the national rule.

This amendment is effective on October 15, 1998.

##### ***1997 Amendment***

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

This rule was formerly Local Rule 3.04B(b). The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

**NOTE! On December 1, 2009, the underlined red language  
in Local Rule 3018-1(a) was added.**

**Rule 3018-1**

**BALLOTS -- VOTING ON PLANS**

(a) It shall be the responsibility of the attorney for the proponent of the Chapter 11 plan to tabulate the acceptance and rejections for the plan. This tabulation shall be filed and served on the United States Trustee and any trustee appointed pursuant to 11 U.S.C. § 1104 not later than ninety-six (96) hours prior to the time set in the order or notice for the hearing on confirmation. The tabulation shall list for each class, the total number of claims voting, the total number of claims accepting, the total dollar amount of claims voting, total dollar amount of claims accepting, percentages of claims voting that accept the plan and percentage of dollar amount of claims voting that accept the plan. It shall be indicated for each class whether they are impaired or unimpaired and whether or not the requisite vote has been attained for each class.

(b) The form of ballot distributed to creditors shall include the address of the Court and shall indicate that ballots should be received and retained by the Clerk no later than the deadline established by order of the Court. The Clerk's Office shall scan all ballots as one image and docket in the Court's Electronic Filing System before the confirmation hearing thus making the ballots viewable. Any ballots received after the last day to file ballots shall be scanned and filed in CM/ECF as a late filed ballot and its inclusion in the ballot tabulation shall be left to the discretion of the judge.

(c) In tabulating the ballots, the following rules shall govern:

(1) Ballots that are not signed or where a company name is not shown on the signature line will not be counted either an acceptance or rejection.

(2) Where the amount shown as owed on the ballot differs from the schedules and a proof of claim has been filed, the amount shown on the proof of claim will be used for the purpose of determining the amount voting. If no proof of claim has been filed the amount shown on the schedules must be used.

(3) Ballots that do not show a choice of either acceptance or rejection will not be counted either as an acceptance or a rejection.

(4) Ballots that are filed after the last date set for filing for ballots will not be counted as either an acceptance or rejection, unless leave of Court is granted.

(5) Where duplicate ballots are filed and one elects acceptance and one elects rejection, neither ballot will be counted unless the later one is designated as amending the prior one.

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### ***Notes of Advisory Committee***

#### ***2004 Amendment***

This amendment 3018-1(b) clarifies how ballots will be submitted to the court and how they will be maintained by the Clerk's Office.

#### ***1997 Amendment***

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

This rule was formerly Local Rule 3.05(b) through (d). The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

#### ***1995 Amendment***

Local Rule 3.05(b) has been amended to provide that service of the ballot tabulation shall be on the Office of the United States Trustee and any trustee appointed pursuant to 11 U.S.C. § 1104. The other amendments to Local Rule 3.05(b) are stylistic. No substantive change is intended.

A new provision has been added as Local Rule 3.05(c) requiring that the form of ballot distributed to creditors shall include the address of the Court and shall indicate that ballots should be received and retained by the Clerk no later than the deadline established by order of the Court.

The amendments to Local Rule 3.05(d)(1), (d)(3), and (d)(4) are stylistic. No substantive change is intended.

These amendments were effective on February 15, 1995.

**NOTE! On December 1, 2009, two deadlines in this Local Rule changed; the two 10 day periods in Local Rule 3020-1(b) both became 14 days. Also, please note the other change of language in the last sentence of that same subsection.**

## **Rule 3020-1**

### **CHAPTER 11 -- CONFIRMATION**

(a) Unless otherwise ordered by the Court, any objections to confirmation in a Chapter 11 case shall be filed and served seven (7) days before the date of the hearing. The objection shall be served upon the debtor, debtor's attorney, the trustee or examiner (if any), the proponent of the plan (if not the debtor), counsel for any official committee, and the United States Trustee.

(b) The debtor shall be responsible for preparing the order of confirmation in a Chapter 11 case and submitting it to the Court for signature. The order must be submitted to the Court within ( ) fourteen (14) days after the hearing on confirmation. The debtor shall then be responsible for the distribution of the conformed order and copies of the confirmed plan to all creditors, the United States Trustee, those persons on the Local Rule 1007-2 Parties in Interest List, and other parties as may be designated by the Court. Such distribution must be accomplished and proof of such service filed in accordance with the provisions of Local Rule 7005-1 within ( ) fourteen (14) days of the entry of the Court's order on the docket.

(c) Unless otherwise ordered by the Court, the debtor shall file any adversary proceedings or contested matters contemplated by the Chapter 11 plan of reorganization and file any objections to claims no later than thirty (30) days after the entry of an order of confirmation.

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### ***Notes of Advisory Committee***

#### ***1997 Amendment***

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering

system, no change in substance is intended. This amendment is effective on April 15, 1997.

Paragraph (a) of this rule was formerly Local Rule 3.05(a). Paragraph (b) of this rule was formerly Local Rule 3.06(b). Paragraph (c) of this rule was formerly Local Rule 3.06(a). The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

### ***1995 Amendment***

Local Rule 3.06(a) has been amended to include the requirement that the debtor file any adversary proceedings or contested matters contemplated by the plan of reorganization no later than thirty (30) days after the entry of an order of confirmation.

Local Rule 3.06(c) has been amended to include contested matters and adversary proceedings within the matters which must be concluded before entry of a final decree.

Local Rule 3.06(d) has been added to make clear the requirement that a debtor who desires to convert a Chapter 11 case after confirmation of a plan of reorganization may do so only on motion and hearing with notice to all creditors and parties in interest. This is consistent with Bankruptcy Code § 1112(a)(1) which precludes the debtor from converting a case from Chapter 11 to Chapter 7 as a matter of right if the debtor is not a debtor in possession, Fed. R. Bankr. P. 9013 which requires that a request for an order be made by motion, and Fed. R. Bankr. P. 2002(a)(5) which requires that parties in interest receive twenty days notice of a hearing on conversion of a case to another chapter. It is not intended that this Local Rule create any substantive rights not otherwise available under existing law.

These amendments were effective February 15, 1995.

## **Rule 3022-1**

### **FINAL REPORT/DECREE (Ch. 11)**

Unless extended by the Court, within thirty (30) days after the order of confirmation in a case under Chapter 11 or thirty (30) days after the disposition of all adversary proceedings, contested matters, and objections to claims, whichever is later, the attorney for the debtor shall file a certificate of substantial consummation together with a motion for final decree and proposed final decree.

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### ***Notes of Advisory Committee***

#### ***1997 Amendment***

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

This rule was formerly Local Rule 3.06(c). The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

**NOTE! On December 1, 2009, the 15 day period  
in Local Rule 3071-1(b)(i) became a 14 day period.**

## **Rule 3071-1**

### **APPLICATIONS FOR ADMINISTRATIVE EXPENSES**

All requests for administrative expenses pursuant to 11 U.S.C. § 503(b)(1) shall be made by application filed:

(a) In a Chapter 7 case:

(i) by the claims bar date; or

(ii) for administrative expenses arising from the use of premises by a trustee, within (30) days after the surrender of the premises from the trustee; or

(iii) within (30) days after the occurrence of the last event giving rise to the claim.

(b) In Chapter 11, 12, or 13 cases within:

(i) ( ) fourteen (14) days prior to the hearing on confirmation, or any continued hearing on confirmation; or

(ii) thirty (30) days after the occurrence of the last event giving rise to the claim.

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### ***Notes of Advisory Committee***

#### ***1997 Amendment***

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

This rule was formerly Local Rule 2.20. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

## **PART IV.**

### **THE DEBTOR: DUTIES AND BENEFITS**

#### **Rule 4003-2**

#### **LIEN AVOIDANCE**

A motion to avoid a lien or liens under 11 U.S.C. § 522(f) shall be filed and served in accordance with Fed. R. Bankr. P. 7004 and 9014 and may name only one creditor as respondent. A separate motion is required for each creditor whose lien or transfer is sought to be avoided. The motion shall be verified or be accompanied with an affidavit and shall describe with specificity the nature of the lien, recording information, if applicable, and the property affected with legal description or itemization, as appropriate.

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#### ***Notes of Advisory Committee***

##### ***2004 Amendment***

This amendment corrects the Bankruptcy Rules citation to that of the currently used citation.

##### ***1997 Amendment***

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

This rule was formerly Local Rule 2.12. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

### ***1995 Amendment***

The amendment is stylistic. No substantive change is intended.

These amendments were effective on February 15, 1995.

**PART V.**  
**COURTS AND CLERKS**

**Rule 5001-1**

**UNAVAILABILITY OF ELECTRONIC FILING SYSTEM (“CM/ECF”)**

Access to CM/ECF by Filing Users is generally available 24 hours a day, 7 days a week. However, when access to CM/ECF is unavailable, the Filing User is permitted to file a paper document if required to meet a filing deadline. Otherwise, the Clerk shall ensure that after-hours filing by facsimile is available. The Clerk shall establish such after-hours filing procedures consistent with Administrative Order 2003-2.

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*Notes of Advisory Committee*

**2004 Amendment**

This amendment recognizes the need to have an alternate method of access for Filing Users should the Electronic Filing System (CM/ECF) be inaccessible for any reason, technical or otherwise. This rule allows for flexibility concerning after-hours filing procedures, now governed by General Order of the Court, will remain so. After-hours filing procedure are also available for traditional filers.

**NOTE! On December 1, 2009, the 10 day period in  
Local Rule 5003-1(b) became a 14 day period.**

**Rule 5003-1**

**ELECTRONIC DOCUMENTS – ENTRY OF**

(a) Electronic transmission of a document by a Filing User to CM/ECF consistent with these rules, together with the transmission of a Notice of Electronic Filing from the Court, constitutes filing of the document for all purposes of the Federal Rules of Bankruptcy Procedure and the Local Rules of this Court, and constitutes entry of the document on the docket kept by the Clerk under Fed. R. Bankr. P. 5003.

(b) Documents filed electronically become the official record once transmission is complete per section (a) above. The Filing User is bound by the document as filed; Filing Users shall review the electronic images of electronic documents they file to ensure they do not contain any errors as a result of transmission problems and file an amended document as necessary to correct any errors with the document originally filed electronically. In addition, in the event that the Clerk notifies a Filing User that a previously electronically filed document contains an error, the Filing User shall take such steps as are necessary to correct the error within ( ) fourteen (14) days of receipt of the notice from the Clerk.

(c) A document filed electronically is deemed filed on the date and time stated on the Notice of Electronic Filing from the Court. Filing a document electronically does not alter a filing deadline for that document. Filings must be completed before midnight Local Time of the Court to be considered timely filed that day.

(d) A document filed electronically that is required to be signed under penalty of perjury ("Verified Documents"), or that requires an original signature other than the signature of the Filing User, shall be maintained in the originally signed and verified paper form by the Filing User for a period of four (4) years after the closing of the case or proceeding in which the document or paper is filed.

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## ***Notes of Advisory Committee***

### ***2004 Amendment***

This amendment is adapted from the "Model Local Bankruptcy Court Rules for Electronic Case Filing" approved on September 11, 2001 by the Judicial Conference of the United States Courts. This rule provides a "time of filing" rule that is analogous to the traditional method of file stamping documents by the Clerk's Office. A filing is deemed made when it is acknowledged by the Clerk's Office through the CM/ECF system's automatically generated Notice of Electronic Filing. This rule also makes it clear that electronically filed documents are considered to be entries on the official docket. Further, it requires a Filing User to retain an originally signed Verified Document for a period of four (4) year after the closing of a case or proceeding.

## **Rule 5003-2**

### **COURT ORDERS – ENTRY OF**

All orders, decrees, judgments, and proceedings of the Court will be filed in accordance with these rules, which will constitute entry on the docket kept by the Clerk under Fed. R. Bankr. P. 5003 and 9021. The Clerk shall electronically scan all signed paper orders and judgments and convert them to electronic documents and enter them on the docket. Alternatively, a Judge may electronically sign an order or judgment in image form by affixing on the order or judgment: (1) in typeface "/s/" followed by the Judge's name, or (2) an electronic image of the Judge's actual signature. Any order signed and filed in this fashion has the same force and effect as if the Judge had affixed the Judge's signature to a paper copy of the order and it had been entered on the docket in a conventional manner.

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### ***Notes of Advisory Committee***

#### ***2004 Amendment***

This amendment is adapted from the "Model Local Bankruptcy Court Rules for Electronic Case Filing" approved on September 11, 2001 by the Judicial Conference of the United States Courts. With the advent of electronic filing, this rule addresses the electronic entry of court orders. This rule allows each judge of the court to determine the methods by which his or her electronic order will be "signed"; by signing the original paper order then instructing the Clerk to scan the order into CM/ECF, by "/s/" on the judge's signature line or by affixing by electronic means an "electronic signature" of the judge's own handwritten signature. Regardless of a judge's preferred method, the Clerk will be able to enter the order on the official docket and subsequently serve affected parties.

## **Rule 5003-3**

### **COURT PAPERS -- REMOVAL OF**

(a) No person shall insert or delete, tamper or deface, make any entry or correction by interlineation or otherwise, in, from or upon any file or other record of the Court unless expressly permitted or ordered to do so by the Court. No person other than the Clerk or authorized deputies or an official copy service shall unfasten any paper in any Court file.

(b) Any person may review in the Clerk's office Court files or other papers or records in the possession of the Clerk. Files may be removed from the Clerk's office only in emergency situations or as needed in connection with a related criminal or civil court proceeding upon written permission by the Clerk which shall specify the time within which the same shall be returned.

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### ***Notes of Advisory Committee***

#### ***2004 Amendment***

This rule was formerly Local Rule 5003-2.

#### ***1997 Amendment***

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

This rule was formerly Local Rule 1.10. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

#### ***1995 Amendment***

The amendment to Local Rule 1.10(b) makes this rule consistent with actual practice. These amendments were effective on February 15, 1995.

## **Rule 5005-1**

### **FILING BY ELECTRONIC MEANS**

The Court shall permit documents and papers to be filed, signed, or verified by electronic means that are consistent with technical standards, if any, that the Judicial Conference of the United States establishes. A document or paper filed by electronic means constitutes a written paper for the purpose of applying these rules, the Federal Rules of Bankruptcy Procedure, and §107 of the Code.

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### ***Notes of Advisory Committee***

#### ***2004 Amendment***

This addition is authorized by Rules 5005 and 7005 of the Federal Rules of Bankruptcy Procedure, and is occasioned by the implementation in the Middle District of Florida of the case management/electronic case filing system of the United States Courts.

## **Rule 5005-2**

### **FILING OF PETITION AND OTHER DOCUMENTS**

(a) A petition filed by an attorney commencing a case under the Code shall be filed in an electronic format by either a Filing User utilizing CM/ECF or by a Non-Filing User through the submission of a virus-free, 3.5 inch diskette or CD which contains the scanned petition in PDF format with an image of the debtor(s)' original signature. The submitted diskette or CD shall contain a label that lists the debtor(s)' name, attorney's name and attorney's telephone number. Only one case shall be filed on a diskette or CD and shall follow the Court's published petition file format found at [www.flmb.uscourts.gov](http://www.flmb.uscourts.gov). The attorney shall maintain the original petition for a period of four (4) years after the closing of the case. Non-Filing Users who are not attorneys shall file a petition in paper form containing the debtor(s)' original signature. Petitions received by the Clerk's Office via the United States Mail shall be stamped "Filed via Mail" and shall be deemed filed as of 10 o'clock Eastern Standard or Eastern Daylight Savings Time on the day received.

(b) The statement of financial affairs, schedules, statement of intentions and list of equity security holders shall also be included on the diskette or CD if filed with the petition. Otherwise, these pleadings shall be filed in an electronic format by either a Filing User utilizing CM/ECF or by a Non-Filing User through the submission of a virus-free, 3.5 inch diskette or CD which contain the scanned pleadings in PDF format with an image of the debtor(s)' original signature. The submitted diskette or CD shall contain a label that lists the debtor(s)' name, full case number, attorney's name and attorney's telephone number. The attorney shall maintain the original of these pleadings for a period of four (4) years after the closing of the case. Non-Filing Users who are not attorneys shall file the statement of financial affairs, schedules, statement of intentions and list of equity security holders in paper form containing the debtor(s)' original signature. The U.S. Trustee shall be served by the Court with a copy of these via electronic means in Chapter 7 and Chapter 11 cases only.

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## ***Notes of Advisory Committee***

### ***2004 Amendment***

This amendment recognizes that additional paper copies will become unnecessary since petitions are accessible by electronic means. This rule also obviates the need for the U.S. Trustee, Chapter 13 Trustee, Chapter 7 Trustees to receive paper copies of petitions from Filing Users because each of these entities will have access to examine petitions via PACER under the CM/ECF system. Further, this amendment requires petitions, statement of financial affairs, schedules, statement of intentions and list of equity security holders filed by attorneys to be submitted in an electronic format.

### ***2000 Amendment***

This amendment deletes the requirement, contained in paragraph (c), that debtors provide to the Clerk service copies for all creditors of their Chapter 13 plans. Under practices that have developed in the Court, either the debtors or the Chapter 13 trustee serves the plans on creditors. The Clerk does not. The Clerk, therefore, has no need for service copies. This amendment simply harmonizes the rule with the practice.

This amendment is effective on December 1, 2000.

### ***1997 Amendment***

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

Paragraphs (a), (b), and (c) of this rule were formerly paragraphs (a), (b), and (d) of Local Rule 2.04. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

Paragraphs (a), (b), and (c) of this rule were formerly paragraphs (a), (b), and (d) of Local Rule 2.04. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

**NOTE! On December 1, 2009, the two 10 day periods in 5005-3 became 14 day periods.**

**Rule 5005-3**

**FILING PAPERS -- SIZE OF PAPERS**

Paper pleadings and other submissions and proposed orders and other papers, including attachments thereto, tendered for filing shall be typewritten, or if produced by computer generated software, shall be printed by letter quality printers, shall be singled-sided, void of tabs, and shall be on white paper approximately eight and one-half inches wide by eleven inches long, with one and one-fourth inch margins. The Clerk shall convert any filed paper document to an electronic format by an electronic scanning process. The Clerk shall retain all scanned paper documents for a period of sixty (60) days for quality control purposes. The Clerk shall destroy or discard such documents after the expiration of such time period. A person filing a paper document is responsible for ascertaining that the electronic document is an accurate readable image of the paper document. In the event the Clerk notifies a person filing a paper document that it does not conform to this rule, the person shall take such steps as are necessary to correct the error within () fourteen (14) days of receipt of the notice from the Clerk. If the filing party fails to correct the deficiency within () fourteen (14) days, the court may enter an order striking the document without further notice or hearing. Pleadings and other submissions made by electronic means when printed copies are generated shall conform to these standards.

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***Notes of Advisory Committee***

***2004 Amendment***

This amendment recognizes that most documents produced for filing with the Court are done with the use of computers and is made simply for technical clarification. Documents originally submitted in electronic form shall conform to these standards when reduced to "hard copy" form. Clarifying these standards will also assist the Clerk when scanning paper documents into CM/ECF to preserve in electronic form because it will ensure legible quality images of the paper document.

### ***1997 Amendment***

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

This rule was formerly Local Rule 2.02(a). The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

## **Rule 5005-4**

### **SEALED DOCUMENTS**

Papers may be filed under seal only on such terms and conditions as the Court may order. Papers ordered to be filed under seal shall be filed in paper form, not electronically, unless specifically authorized by the Court. A paper copy of the order allowing the paper to be filed under seal must be attached to the paper and delivered to the Clerk. The Clerk shall seal the paper in a manila envelope, with initials or a signature written across the envelope closure and tape placed on top of the signature to provide additional security.

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### ***Notes of Advisory Committee***

#### ***2004 Amendment***

This new rule sets out that seal documents must remain in paper form and not made part of CM/ECF. It also instructs the Clerk on maintenance of sealed documents.

**NOTE! On December 1, 2009, several deadlines in this Local Rule changed; the two 20 day periods in 5011-1(b)(1) became 21 day periods, and the 10 day period in 5011-1(b)(3) became a 14 day period. Please also note the other slightly revised language in the last sentence of 5011-1(b)(3).**

## **Rule 5011-1**

### **WITHDRAWAL OF REFERENCE**

(a) Briefing requirements; generally.

(1) Every written (i) motion for withdrawal of the reference of a case or proceeding pursuant to 28 U.S.C. § 157(b)(5) or (d), (ii) response thereto, and (iii) any other motion, application, objection, or response that statute, the Federal Rules of Bankruptcy Procedure, these rules, an order, or the circumstances require be filed with the Clerk of this Court, but be heard and determined by the District Court, shall be accompanied upon filing and service by a legal memorandum with citation of authorities in support of, or in opposition to, the relief requested.

(2) Absent prior permission of the District Court, no party shall file any legal memorandum in excess of twenty (20) pages in length.

(3) The motions and matters within the scope of this rule shall not be deemed complete for purposes of transmittal to the Clerk of the District Court for hearing and determination until the parties have complied with the briefing requirements of this rule.

(b) Motions for withdrawal of the reference; special provisions.

(1) A motion for withdrawal, in whole or in part, of the reference of a case shall be filed with the Clerk not later than ( ) twenty-one (21) days after the date of the notice of the meeting of creditors mandated by 11 U.S.C. § 341 and Fed. R. Bankr. P. 2003(a). Parties in interest without notice or without actual knowledge of the pendency of the case may file a motion for withdrawal of the reference not later than ( ) twenty-one (21) days after having acquired actual knowledge of the pendency of the case.

(2) A motion for withdrawal of the reference of a proceeding or contested matter arising in, under or related to a

case that is a subject of the Order of General Reference must be filed with the Clerk not later than thirty (30) days after the filing of the initial pleading or other paper commencing the proceeding or contested matter. The United States or an officer or agency thereof shall file a motion for withdrawal of the reference no later than thirty-five (35) days after the filing of the initial pleading or other paper commencing the proceeding or contested matter. A motion for withdrawal of a proceeding or contested matter must specifically identify the proceeding or contested matter to be withdrawn, setting forth the exact style, title and adversary number, where applicable.

(3) A motion for withdrawal of a proceeding or contested matter shall be served together with a legal memorandum on counsel of record for all parties to the proceeding or contested matter or, if a party has no counsel, on the party, and on counsel of record for the debtor, the debtor, and the United States Trustee. The opposing parties shall have ( ) fourteen (14) days after the entry of the motion on the docket to file a responsive pleading and legal memorandum with the Clerk.

(4) After expiration of the time allowed for a response, the Clerk shall transmit to the Clerk of the District Court copies of the motion and legal memorandum, response and legal memorandum, if any, and such other pleadings as the parties request in the motion and in the response, if any.

(5) Until and unless the Court or the District Court orders otherwise, the Court shall continue to hear the case or proceeding while the motion for withdrawal is under consideration in the District Court.

(6) Upon entry of an order by the District Court withdrawing the reference, the Clerk shall forward a copy of the entire case file or proceeding file to the Clerk of the District Court.

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### ***Notes of Advisory Committee***

#### ***2004 Amendment***

This amendment corrects the Bankruptcy Rules citation to that of the currently used citation.

#### ***1997 Amendment***

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

This rule was formerly Local Rule 1.05. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

### ***1995 Amendment***

The amendment to Local Rule 1.05 to delete the term "brief" when used in conjunction with "legal memorandum" as redundant is stylistic as is the addition of term "contested matter" where the term "proceeding" is used. No substantive change is intended.

Local Rule 1.05 (b) (2) has been amended to specify that a motion for withdrawal of a proceeding or contested matter must be filed with the Clerk not later than thirty (30) days, or thirty-five (35) days in the case of the federal government, after the filing of the initial pleading or other paper commencing the proceeding or contested matter. In adversary proceedings, this corresponds to the time an answer or motion is due pursuant to Fed. R. Bankr. P. 7012(a). The amendment makes clear that motions to withdraw the reference of contested matters must be filed within the same period despite the inapplicability of Fed. R. Bankr. P. 7012 to contested matter.

Local Rule 1.05 (b) (3) has been amended to specify that a motion for withdrawal of a proceeding or contested matter shall be served on all parties to the proceeding or contested matter or, if a party has no counsel, on the party, in addition to counsel of record for the debtor, the debtor, and the United States Trustee.

These amendments were effective on February 15, 1995.

### ***1993 Amendment***

This amendment added a requirement for the filing of briefs or Legal memoranda in certain circumstances to harmonize the practice in the Bankruptcy Court with the practice in the District Court and to facilitate the hearing and determination in the District Court of motions for withdrawal of the reference, objections to proposed findings of fact and conclusions of law in

non-core proceedings, and other motions, applications, objections, and the like that are filed in the Bankruptcy Court but heard and determined in the District Court. The amendment was effective August 15, 1993.

**NOTE! On December 1, 2009, the 20 day period in 5011-2 became a 21 day period.**

## **Rule 5011-2**

### **ABSTENTION**

A motion to abstain from a case or proceeding under either 11 U.S.C. § 305 or 28 U.S.C. § 1334(c) shall be filed with the Clerk not later than the time set for filing a motion to withdraw the reference pursuant to Local Rule 5011-1 of these rules; provided, however, a motion to abstain from hearing a removed proceeding arising in, under or related to a case subject to the Order of General Reference (District Court Order 84-MISC-152) shall be timely if filed not later than ( ) twenty-one (21) days following the filing of the notice of removal of the proceeding pursuant to 28 U.S.C. § 1452.

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### ***Notes of Advisory Committee***

#### ***1997 Amendment***

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

This rule was formerly Local Rule 1.06. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

#### ***1995 Amendment***

The amendment to Local Rule 1.06 is stylistic. No substantive change is intended.

These amendments were effective on February 15, 1995.

## **Rule 5071-1**

### **CONTINUANCE**

(a) No trial, hearing or other proceeding shall be continued upon stipulation of counsel alone, but a continuance may be allowed by order of the Court for good cause shown.

(b) All motions for continuance should set forth the date and time of the hearing to be continued, the amount of time requested to elapse before the matter is to be rescheduled and the reasons therefor, the reasons for the continuance, a statement that the movant has conferred with counsel for opposing parties concerning the requested continuance, and the position of other parties concerning the motion for continuance.

(c) Counsel should submit a proposed order with the motion containing blank spaces for the Clerk to enter dates for the continued hearing.

(d) All requests for continuances of meetings scheduled pursuant to 11 U.S.C. § 341 shall be directed to the U.S. Trustee.

(e) Absent unusual circumstances, all motions for continuance of trials or lengthy hearings of one hour or more must be filed at least three (3) weeks prior to the scheduled trial or hearing, and all motions for continuance of hearings of lesser duration must be filed at least two (2) weeks prior to the scheduled hearing.

(f) No hearing for which all creditors have received notice may be cancelled. In the event that a matter has been settled in the advance of such a hearing, it will still be called for hearing.

(g) On a hearing on a motion for relief from the automatic stay, a continuance will only be granted if the party seeking relief from the automatic stay waives the time limitations set forth in 11 U.S.C. § 362(e).

(h) All hearings may be continued from time to time by announcement made in open Court without further written notice.

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## ***Notes of Advisory Committee***

### ***2004 Amendment***

This amendment 5071-1(c) deletes the requirement to submit copies and self-addressed stamped envelopes since the Court can serve order via BNC.

### ***1997 Amendment***

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

This rule was formerly Local Rule 2.08(a) through (h). The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

## **Rule 5072-1**

### **COURTROOM DECORUM**

(a) The purpose of this rule is to state, for the guidance of those heretofore unfamiliar with the traditions of this Court, certain basic principles concerning courtroom behavior and decorum. The requirements stated in this rule are minimal, not all-inclusive; and are intended to emphasize and supplement, not supplant or limit, the ethical obligations of counsel under the Rules of Professional Conduct or the time honored customs of experienced trial counsel. Individual judges of the Court may, in any case, or generally, announce and enforce additional prohibitions or requirements; or may excuse compliance with any one or more of the provisions of this rule.

(b) When appearing in this Court, unless excused by the presiding judge, all counsel (including, where the context applies, all persons at counsel table) shall abide by the following:

- (1) Stand as Court is opened, recessed or adjourned.
- (2) Stand when addressing, or being addressed by the Court.
- (3) Stand at the lectern while examining any witness; except that counsel may approach the Clerk's desk or the witness for purposes of handling or tendering exhibits.
- (4) Stand at the lectern while making opening statements or closing arguments.
- (5) Address all remarks to the Court, not to opposing counsel.
- (6) Avoid disparaging personal remarks or acrimony toward opposing counsel and remain wholly detached from any ill feeling between the litigants or witnesses.
- (7) Refer to all persons, including witnesses, other counsel and the parties by their surnames and not by their first or given names.

(8) Only one attorney for each party shall examine, or cross examine each witness. The attorney stating objections, if any, during direct examination shall be the attorney recognized for cross examination.

(9) Counsel should request permission before approaching the bench; and any documents counsel wish to have the Court examine should be handed to the Clerk.

(10) Any paper or exhibit not previously marked for identification (see Local Rule 9070-1) should first be handed to the Clerk to be marked before it is tendered to a witness for examination; and any exhibit offered in evidence should, at the time of such offer, be handed to opposing counsel.

(11) In making objections, counsel should state only the legal grounds for the objection and should withhold all further comment or argument unless elaboration is requested by the Court.

(12) In examining a witness, counsel shall not repeat or echo the answer given by the witness.

(13) In a case tried before a jury, offers of, or requests for, a stipulation should be made privately, not within the hearing of the jury.

(14) In opening statements and in arguments to the jury, counsel shall not express personal knowledge or opinion concerning any matter in issue; shall not read or purport to read from deposition or trial transcripts, and shall not suggest to the jury, directly or indirectly, that it may or should request transcripts or the reading of any testimony by the reporter.

(15) Counsel shall admonish all persons at counsel table that gestures, facial expressions, audible comments, or the like, as manifestations of approval or disapproval during the testimony of witnesses, or at an other time, are absolutely prohibited.

(16) The proceedings of the Court are serious and dignified. All persons appearing in Court should therefore dress in appropriate business attire consistent with their financial abilities. Among other things, a coat and tie are appropriate for a man; a dress or pants suit is appropriate for a woman.

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## *Notes of Advisory Committee*

### *1997 Amendment*

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

This rule was formerly Local Rule 2.22. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

## **Rule 5073-1**

### **PHOTOGRAPHS; BROADCASTING OR TELEVISION; USE OF COMPUTERS AND COMMUNICATION DEVICES**

Rule 4.11 of the Local Rules of the United States District Court for the Middle District of Florida applies in the Court in all cases under Title 11 and in all civil proceedings arising under Title 11, or arising in or related to cases under Title 11.

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#### ***Notes of Advisory Committee***

#### ***1998 Amendment***

The local rules of the District Court generally do not apply in the Bankruptcy Court. See Local Rule 1001-1(d). In most instances within the district, the Bankruptcy Court's facilities are now located in the same federal courthouse in which the District Court's facilities are located. It is therefore desirable to have the same rules apply in both the District Court and the Bankruptcy Court that govern the photographing, broadcasting, and televising of court proceedings, the use of computers and communication devices in court facilities, and the introduction of such equipment and devices into the building in which court proceedings are conducted. Accordingly, this amendment simply deletes the Bankruptcy Court's rule on these subjects and applies in the Bankruptcy Court the provisions of the District Court's corresponding local rule.

The text of the District Court's local rule presently is as follows:

RULE 4.11 PHOTOGRAPHS; BROADCASTING  
OR TELEVISIONING; USE OF COMPUTERS  
AND COMMUNICATION DEVICES

(a)(1) As approved by the Judicial Conference of the United States at its March, 1979 meeting, the taking of photographs and the recording or taping of ceremonies for the investing of judicial officers and of naturalization proceedings and the possession of necessary equipment therefor is authorized in courtrooms of this Court and the environs thereof. At least three (3) hours prior notice of the use of recording or television equipment shall be given to the presiding judge who may control the placement of such equipment in the courtroom.

(2) Otherwise, the taking of photographs, the operation of recording or transmission devices, and the broadcasting or televising of proceedings in any courtroom or hearing room of this Court, or the environs thereof, either while the Court is in session or at recesses between sessions when Court officials, attorneys, jurors, witnesses or other persons connected with judicial proceedings of any kind are present, are prohibited.

(b) In order to facilitate the enforcement of subsection (a)(2) of this rule, no photographic, broadcasting, television, sound or recording equipment of any kind (except that of Court personnel and as authorized by subsection (a)(1) thereof) will be permitted in that part of any building where federal judicial proceedings of any kind are usually conducted in this District, as is designated by the resident judges of the Division in which such building is located. Such designation shall be made by order, filed in the office of the Clerk in such division. Except that of Court personnel, cellular telephones and computer equipment are likewise prohibited in that part of any building where federal judicial proceedings of any kind are usually conducted in this District, as designated by the resident judges in the

manner set forth in the proceeding sentence, unless otherwise permitted by the judicial officer before whom the particular case or proceeding is pending. This rule does not prohibit the possession of telephonic pagers in such locations, provided that such pagers are either switched off or placed in a silent activation mode while in such locations.

(c) Employees of other federal agencies resident within the security perimeters of buildings in this District housing federal courts or proceedings, with valid agency identification, are permitted to transport any of the equipment identified above through security checkpoints for the purpose of using same, in their official capacities, within areas of such buildings not covered by subsection (b) of this rule. Said equipment shall be subject to inspection by the United States Marshals Service.

This amendment is effective on October 15, 1998

### ***1997 Amendment***

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

This rule was formerly Local Rule 1.09. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

### ***1995 Amendment***

The amendment which adds new subparagraph 1.09(c) makes clear that the prohibition of recording and photographic equipment is not intended to prohibit the use of dictation equipment in conjunction with the review of the Clerk's Office files or the use of computer equipment, subject to Court control, generally.

These amendments were effective on February 15, 1995.

## **PART VI.**

### **COLLECTION AND LIQUIDATION OF THE ESTATE**

**NOTE! On December 1, 2009, the 20 day periods in 6004-1(a) and (c) became 21 day periods.**

#### **Rule 6004-1**

##### **SALE OF ESTATE PROPERTY**

As to all sales by a trustee in a Chapter 7 case other than a sale free and clear of liens under 11 U.S.C. § 363(f), the trustee may sell property of the estate under 11 U.S.C. § 363(b) without order of the Court provided that the trustee complies with the following requirements:

(a) The trustee shall file a report and notice of intention to sell property of the estate without further notice of hearing stating that, if no objection or request for hearing is filed and served within ( ) twenty-one (21) days of the date of the report and notice, the specified property will be sold without further hearing or notice.

(b) The report and notice shall be served on all creditors in compliance with Fed. R. Bankr. P. 2002 and Local Rule 2002-1 with proof of service filed in accordance with the provisions of Local Rule 7005-1.

(c) If no objection or request for hearing is filed and served within ( ) twenty-one (21) days from the date of the report and notice, then the trustee may sell the property without further notice or hearing.

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#### ***Notes of Advisory Committee***

##### ***2004 Amendment***

This amendment corrects the Bankruptcy Rules citation to that of the currently used citation. Further, this amendment, 6004-1(b), adds a provision permitting Filing Users the ability to complete service of pleadings by electronic means.

### ***1997 Amendment***

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

This rule was formerly Local Rule 2.21. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

## **PART VII.**

### **ADVERSARY PROCEEDINGS**

**NOTE! On December 1, 2009, the 10 day period in 7005-1(c) became a 7 day period.**

#### **Rule 7005-1**

#### **PROOF OF SERVICE**

Whenever proof of service is required by the Federal Rules of Bankruptcy Procedure, Local Rule, or order of the Court (other than proof of initial service required to be made pursuant to Fed. R. Bankr. P. 9014 or 7004), the proof shall take the following form:

(a) If made by an attorney appearing in the case or proceeding pursuant to the provisions of Local Rule 2090-1, the attorney may make a certificate of service stating the date and manner of service and the name and address of the person served, certified by the signature of the attorney who made the service.

(b) If made by a person other than an attorney appearing in the case or proceeding pursuant to the provisions of Local Rule 2090-1, the non-attorney shall make a statement under penalty of perjury stating the date and manner of service and the name and address of the person served, signed and sworn to by the non-attorney who made the service and including the non-attorney's name, address, and relation to the party on whose behalf the service is made.

(c) Where a reference is made to service on a group such as "to all creditors on the matrix," the proof of service shall attach a copy of the list or mailing matrix used. The matrix shall be one obtained from the Clerk within ( ) seven (7) days before the date of service or from the Court's electronic filing system.

(d) The proof of service shall refer to the pleading or other paper being served and shall affirmatively reflect the service of any exhibits thereto.

(e) Proof of service may appear on or be affixed to the paper served or it may be separately filed. In either event, the proof of service shall be filed promptly after the making of the service.

(f) Proof of service made in accordance with the provisions of this rule shall be taken as prima facie proof of service.

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### ***Notes of Advisory Committee***

#### ***2004 Amendment***

This amendment corrects the Bankruptcy Rules citation to that of the currently used citation. Further, it permits a party to print a mailing matrix directly from CM/ECF.

#### ***1997 Amendment***

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

This rule was formerly Local Rule 2.19(a). The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

#### ***1995 Amendment***

The term "proof of service" has been substituted for the term "certificate of service" consistently throughout these amendments when proof of service is required. Amended paragraph (a) establishes the manner in which that proof is to be made. Amended paragraphs (a)(1) and (a)(2) provide that attorneys appearing in a case or proceeding may make proof of service by filing a certificate of service while all others must file a statement under penalty of perjury. This carries forward the intent of former paragraph (g) as to permitting only attorneys to file certificates of service. It also clarifies that non-attorneys may make proof of service if they do so under oath.

The provisions of subparagraph (a)(1) allowing attorneys to make certificates of service do not apply to proof of initial service of contested matters and adversary proceedings required to be made pursuant to Fed. R. Bankr. P. 9014 or 7004. The requirements for proof of this initial service are included in

Fed. R. Bankr. P. 7004 itself. Specifically, Fed. R. Bankr. P. 7004(a) and (g) apply Fed. R. Civ. P. 4(g) in effect on January 1, 1990. Among other things, that rule requires that proof of such initial service shall be made by affidavit unless the person making the service is a United States marshal or deputy marshal.

Subparagraph (a)(3) is former paragraph (b) with the new requirement that the matrix used with a proof of service shall be a current one obtained from the Clerk.

Subparagraph (a)(4) is former paragraph (h) with minor modifications.

Subparagraph (a)(5) and (a)(6) are new, but are consistent with better practice and the requirements of other rules, such as F.R.A.P. 25(d) and Fla. R. Civ. P. 1.080(f).

Other amendments are clarifying or are required by the restructuring of the rule described above.

These amendments were effective on February 15, 1995.

## **Rule 7005-2**

### **FILING OF DISCOVERY MATERIAL**

**[Abrogated]**

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#### ***Notes of Advisory Committee***

##### ***2000 Amendment***

The Court's local rules may not conflict with or duplicate the Federal Rules of Bankruptcy Procedure. See Fed. R. Bankr. P. 9029(a)(1). This amendment deletes the provisions of this rule that prohibited the filing of discovery materials until they are used in a proceeding or matter. The deletion is required because the December 1, 2000, amendments to Fed. R.Civ.P. 5(d) provide that disclosures under Rule 26(a)(1) and (2) and discovery requests and responses under Rules 30, 31, 33, 34, and 36 must not be filed until they are used in the action. Disclosures under Rule 26(a)(3), however, are to be filed with the Court.

Pursuant to Fed. R. Bankr. P. 7005, Fed. R.Civ.P. 5 applies in adversary proceedings. Pursuant to Local Rule 9014-1, Fed. R.Civ.P. 5(a)-(d) applies in contested matters. Thus, disclosures and discovery materials in adversary proceedings and contested matters are to be filed -- or not filed -- as provided in Fed. R.Civ.P. 5(d).

This amendment is effective on December 1, 2000.

##### ***1997 Amendment***

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

Paragraph (a) of this rule is derived from Local Rule 2.15(f). Paragraphs (b) and (c) of this rule were formerly paragraphs (g) and (h) of Local Rule 2.15. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

### ***1995 Amendment***

Paragraphs (g) and (h) are former paragraphs (d) and (e) without substantial change. These paragraphs and paragraph (f) continue the prohibition of filing discovery papers in the usual course. The technical change appearing in paragraph (g) is intended to clarify that deposition transcripts shall only be filed on order of the Court which may be obtained on motion.

These amendments were effective on February 15, 1995.

## **Rule 7005-3**

### **SERVICE BY ELECTRONIC MEANS UNDER RULE 5(b)(2)(D)**

A party may make service under Rule 5(b)(2)(D) of the Federal Rules of Civil Procedure through the Court's electronic transmission facilities if the party being served is a Filing User or otherwise consents in writing to electronic service.

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### ***Notes of Advisory Committee***

#### ***2004 Amendment***

This addition is authorized by Rule 5(b)(2)(D) of the Federal Rules of Civil Procedure, which is incorporated by Rule 7005 into the Federal Rules of Bankruptcy Procedure, and it is occasioned by the implementation in the Middle District of Florida of the case management/electronic case filing system of the United States Courts.

**NOTE! On December 1, 2009, the 5 day period in 7026-1(a) became a 7 day period.**

**Rule 7026-1**

**DISCOVERY -- GENERAL**

(a) Unless otherwise ordered by the Court, the conference of the parties required by Fed R. Bankr. P. 7026 and Fed. R.Civ.P. 26(f) shall occur as soon as practicable and in any event at least seven (7) days before a scheduling conference is held or a scheduling order is due under Fed. R. Bankr. P. 7016 and Fed. R.Civ.P. 16(b).

(b) Unless otherwise ordered by the Court, the report outlining the discovery plan required by Fed. R. Bankr. P. 7026 and Fed. R.Civ.P. 26(f) need not be in writing and filed. It is sufficient if the report is made orally at the scheduling conference.

(c) For the guidance of counsel in preparing or opposing contemplated motions for a protective order pursuant to Fed. R. Bankr. P. 7026 related to the place of taking a party litigant's deposition, or the deposition of the managing agent of a party, it is the general policy of the Court that a nonresident plaintiff or moving party may reasonably be deposed at least once in this District during the discovery stages of the case; and that a nonresident defendant or respondent who intends to be present in person at trial or evidentiary hearing may reasonably be deposed at least once in this District either during the discovery stages of the case or within a week prior to trial or evidentiary hearing as the circumstances seem to suggest. A nonresident, within the meaning of this rule, is a person residing outside the State of Florida.

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***Notes of Advisory Committee***

***2004 Amendment***

This amendment corrects the Bankruptcy Rules citation to that of the currently used citation.

## ***2000 Amendment***

This amendment is made necessary by the December 1, 2000, amendments to the Federal Rules of Civil Procedure.

Under Fed. R. Bankr. P. 7026, Fed. R.Civ.P. 26 applies in adversary proceedings. Under Fed. R. Bankr. P. 9014, Fed. R. Bankr. P. 7026 also applies in contested matters. Fed. R. Bankr. P. 9029(a)(1) further provides that the Court's local rules may not be inconsistent with the Federal Rules of Bankruptcy Procedure.

The December 1, 2000, amendments to Fed. R.Civ.P. 26 eliminate the provisions of that rule that permit courts to "opt out" of certain of its provisions that became effective on December 1, 1993. The Court is required, therefore, to rescind the provisions of its local rules by which it "opted out" of the mandatory disclosure and conference requirements contained in Fed. R.Civ.P. 26(a)(1)-(3) and (f). These "opt out" provisions are presently contained in paragraphs (a) and (b) of this local rule. Because of these required rescissions, the Court is also required to rescind the initiation of discovery provisions contained in paragraph (c) of this local rule.

As a consequence of this amendment, the provisions of Fed. R.Civ.P. 26 are fully applicable in adversary proceedings in the Court, although the terms of the rule set forth circumstances in which the parties may stipulate or the Court may order variations in individual cases. The Court may not do so, however, by local rule or standing order. Thus, the disclosures required by Fed. R.Civ.P. 26(a)(1) through (3) are generally applicable in adversary proceedings; the parties must meet as required by Fed. R.Civ.P. 26(f); and, pursuant to Fed. R.Civ.P. 26(d), the parties may not seek discovery before the parties have conferred as required by Fed. R.Civ.P. 26(f).

Pursuant to Fed. R. Bankr. P. 7005 and Fed. R.Civ.P. 5(d), the parties may not file with the Court the disclosures required by Fed. R.Civ.P. 26(a)(1) and (2) until they are used in the proceeding. The parties must file, however, the disclosures required by Fed. R.Civ.P. 26(a)(3).

Pursuant to Fed. R. Bankr. P. 9014, Fed. R. Bankr. P. 7026 applies in contested matters "unless the court otherwise directs." Thus, the Court retains the ability to direct by local rule that only portions of Fed. R. Bankr. P. 7026 apply in contested matters. The Court has therefore contemporaneously promulgated new Local Rule 9014-2 that applies Fed. R. Bankr. P. 7026 to contested matters only to the extent permitted before this amendment to this local rule. Under Local Rule 9014-2,

therefore, the mandatory disclosure provisions of Fed. R.Civ.P. 26(a)(1)-(3) do not apply in contested matters, the parties are not required to confer as set forth in Fed. R.Civ.P. 26(f), and the parties may immediately seek discovery. Of course, the Court may direct the application of these Rule 26 provisions by specific order, and the parties may agree that they apply.

"If necessary to comply with [the Court's] expedited schedule for Rule 16(b) conferences," Fed. R.Civ.P. 26(f) does permit the Court to make local rules as to certain matters related to the Rule 26(f) conference and the discovery plan. Unlike the timing and pace of litigation in civil actions in the district court, litigation in adversary proceedings in the bankruptcy court is handled on an expedited basis. In the new provisions of this local rule appearing as new paragraphs (a) and (b), therefore, the Court exercises this discretion in the manner the Committee believes is appropriate. The Court, of course, can vary these times by individual order.

The last paragraph of this local rule is relettered to reflect the rescission of old paragraphs (a) through (c) and the substitution of new paragraphs (a) and (b).

This amendment is effective on December 1, 2000.

### ***1997 Amendment***

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

Paragraphs (a) through (c) of this rule were formerly paragraphs (a) through (c) of Local Rule 2.15. Paragraph (d) of this rule was formerly Local Rule 2.16(b). The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

### ***1995 Amendment*** ***Introduction***

This rule is amended to reflect the Advisory Committee's judgment as to the desirability of applying the December 1, 1993, amendments to the Federal Rules of Civil Procedure to contested

matters and adversary proceedings and to make other desirable technical changes.

The December 1, 1993, amendments to the Federal Rules of Civil Procedure greatly affect practice in contested matters and in adversary proceedings. Fed. R. Bankr. P. 7016, 7026, 7030, 7031, and 7033 extend the application of Fed. R. Civ. P. 16, 26, 30, 31 and 33 to adversary proceedings. In addition, unless the Court otherwise directs, Fed. R. Bankr. P. 9014 extends the application of Fed. R. Civ. P. 26, 30, 31, and 33 to contested matters pursuant to Fed. R. Bankr. P. 7026, 7030, 7031 and 7033. Although the Advisory Committee deems certain of the December 1, 1993, amendments to be desirable and beneficial to practice in contested matters and adversary proceedings in this Court, it believes that other of the amendments may not be practically or beneficially implemented. The Advisory Committee therefore intends here that the Court "opt out" of certain of these amendments to the Federal Rules of Civil Procedures as they are made applicable to contested matters and adversary y proceedings.

### ***Disclosure and Meeting of Counsel***

Fed. R. Civ. P. 26(a)(1-4) now mandates the disclosure of certain relevant information. Paragraph (a) of Local Rule 2.15 therefore provides that these new disclosure requirements apply to contested matters and adversary proceedings only if the parties agree or if the Court orders that some or all of the disclosure requirements apply. Fed. R. Civ. P. 26(f) now requires a meeting of the parties and the filing of a proposed discovery plan within certain prescribed time limits. Paragraph (b) of Local Rule 2.15 therefore provides that these meetings and reporting requirements apply in contested matters and in adversary proceedings only upon the agreement of the parties or upon order of the Court.

### ***Initiation of Discovery***

Fed. R. Civ. P. 26(d), 30(a)(2)(C), 31(a)(2)(C), 33(a), 34(b), and 36(a) now generally preclude the initiation of any method of discovery until after the parties meet as required by Fed. R. Civ. P. 26(f), unless the parties agree or the Court otherwise orders. Because the Court has eliminated, in paragraph (b), the meeting of the parties requirement of Fed. R. Civ. P. 26(f) unless the Court specifically orders its application, paragraph (c) provides that the parties may initiate discovery immediately after service of the motion or other paper initiating contested matters and the summons and complaint in adversary proceedings. If the Court orders the application of the meeting of the parties requirement of Fed. R. Civ. P. 26(f), however, the

early initiation of discovery authorized in paragraph (c) would not apply and the parties would be precluded from initiating discovery until after the Fed. R. Civ. P. 26(f) meeting unless they agreed or the Court orders to the contrary. Paragraph (c) also continues the meaning and the intent of former Rule 2.14 as to depositions upon oral examination.

These amendments were effective on February 15, 1995.

**NOTE! On December 1, 2009, the 10 day period in 7030-1 became a 14 day period.**

## **Rule 7030-1**

### **DEPOSITIONS UPON ORAL EXAMINATION**

Unless the Court orders otherwise, depositions upon oral examination of any person may be noticed on no less than ( ) fourteen (14) days notice in writing to every other party to the contested matter or adversary proceeding and to the deponent.

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### ***Notes of Advisory Committee***

#### ***1997 Amendment***

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

This rule was formerly Local Rule 2.15(d). The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

#### ***1995 Amendment***

Paragraph (d) continues the policy of former Rule 2.14 that depositions be noticed on no less than ten days written notice.

Fed. R. Civ. P. 30(a)(2)(A) and Fed. R. Civ. P. 31(a)(2)(A) now limit to a total of ten the number of depositions upon oral examination and written questions unless the Court authorizes or the parties stipulate to a greater number. The Advisory Committee believes this to be the appropriate presumptive number of depositions in contested matters and adversary proceedings, and the Advisory Committee therefore has not proposed an amendment setting a different presumptive number.

These amendments were effective on February 15, 1995.

## **Rule 7033-1**

### **INTERROGATORIES TO PARTIES**

Written interrogatories shall be so prepared and arranged that a blank space shall be provided after each separately numbered interrogatory. The space shall be reasonably calculated to enable the answering party to insert the answer within the space. The original of the written interrogatories and a copy shall be served on the party to whom the interrogatories are directed, and copies on all other parties. The answering party shall use the original of the written interrogatories for the answers and objections, if any; and the original shall be returned to the party propounding the interrogatories with copies served upon all other parties.

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#### ***Notes of Advisory Committee***

##### ***1997 Amendment***

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

This rule is derived from Local Rule 2.15(e) and (f). The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

##### ***1995 Amendment***

Fed. R. Civ. P. 33(a) now limits each party to 25 written interrogatories including all discreet subparts unless, by order of the Court or written stipulation, a greater number is authorized. The Advisory Committee agrees that this is the appropriate presumptive number of interrogatories in contested matters and in adversary proceedings. As a consequence, the Advisory Committee has deleted the provisions of former paragraph (a) that allowed 50 written interrogatories.

These amendments were effective on February 15, 1995.

Paragraphs (e) and (f) are former paragraphs (b) and (c) without substantial change. They continue the manner in which interrogatories are to be prepared, served, and answered.

## **Rule 7037-1**

### **FAILURE TO MAKE DISCOVERY: MOTIONS TO COMPEL DISCOVERY**

Motions to compel discovery pursuant to Fed. R. Bankr. P. 7037 shall (1) quote in full each interrogatory, question on deposition, request for admission or request for production to which the motion is addressed; (2) the objection and grounds therefor as stated by the opposing party; and (3) the reasons such objections should be overruled and the motion granted.

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#### ***Notes of Advisory Committee***

##### ***2004 Amendment***

This amendment corrects the Bankruptcy Rules citation to that of the currently used citation.

##### ***1997 Amendment***

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

This rule was formerly Local Rule 2.16(a). The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

##### ***1995 Amendment***

Former subparagraph (a) required that motions to compel discovery or for protective order contain a certificate of counsel's failed good faith efforts to resolve the dispute amicably. Substantially identical requirements now appear in Fed. R. Civ. P. 26(c) and 37(a)(2)(A) and are applicable to adversary proceedings and contested matter through Fed. R. Bankr.

P. 7026, 7037, and 9014. The provisions of former subparagraph (a) are therefore deleted as redundant.

These amendments were effective February 15, 1995.

## **Rule 7054-1**

### **COSTS -- TAXATION/PAYMENT; ATTORNEYS FEES**

In accordance with Fed. R. Bankr. P. 7054, all claims for taxable costs or attorney's fees in contested matters and in adversary proceedings that are preserved by appropriate pleading or pretrial stipulation shall be asserted by separate bill of costs or motion, as appropriate, filed not later than fourteen (14) days following entry of judgment. The pendency of an appeal from the judgment shall not postpone the filing of a timely application pursuant to this rule.

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#### ***Notes of Advisory Committee***

##### ***2004 Amendment***

This amendment corrects the Bankruptcy Rules citation to that of the currently used citation.

##### ***1997 Amendment***

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

This rule was formerly Local Rule 2.24. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

##### ***1995 Amendment***

This rule is new. It is derived from District Court Local Rule 4.18 with appropriate modification for bankruptcy practice.

These amendments were effective February 15, 1995.

## **Rule 7055-2**

### **JUDGMENTS BY DEFAULT**

(a) When a party seeks a default judgment as a result of a defendant's failure to respond after being served with a complaint, if otherwise appropriate, the Court may enter a default judgment upon being provided with the following:

(1) Motion for entry of default.

(2) Proposed entry of default.

(3) Motion for judgment by default. Attached to the motion shall be an affidavit in support of the allegation set forth in the complaint.

(4) Affidavit of non-military service (where applicable).

(5) Proposed order granting motion for judgment by default.

(6) Proposed judgment.

(b) If no responsive pleading has been filed by the time of the pretrial conference conducted in an adversary proceeding, counsel for the plaintiff shall, if not previously filed, furnish the Court with the foregoing at the time of the pretrial conference for disposition as may be appropriate under the circumstances.

(c) The motion for entry of default shall state that service was duly effectuated in compliance with the Federal Rules of Bankruptcy Procedure, that no extension of time was sought or obtained by the defendant, that the defendant failed to file a responsive pleading or motion within the time specified and that the movant seeks an entry of default.

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## ***Notes of Advisory Committee***

### ***1997 Amendment***

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

This rule was formerly Local Rule 2.09. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

### ***1995 Amendment***

The amendments to Local Rule 2.09(a) and (c) are stylistic. No substantive change is intended.

These amendments were effective on February 15, 1995.

## **Rule 7067-1**

### **REGISTRY FUND**

(a) In accordance with Fed. R. Bankr. P. 7067, the Clerk shall maintain an interest-bearing registry account ("Registry Fund"). Any party wishing to deposit funds into the Registry Fund may do so only upon order of the Court and notice to every other interested party. The party seeking to make the deposit shall serve a copy of the signed order upon the Clerk of Court, and/or the Financial Administrator for the United States Bankruptcy Court, Middle District of Florida. Upon receipt of the signed order, the Clerk of Court shall cause the funds to be deposited into the Registry Fund pursuant to 28 U.S.C. § 2041. The Clerk of Court and members of his staff are not required to comply with the deposit request if the party seeking to make the deposit fails to make service in accordance with this local rule.

(b) In accordance with 28 U.S.C. § 2042, no funds deposited in the Registry Fund shall be withdrawn except by order of the Court. The Clerk shall deduct from any interest paid on the Registry Fund a registry fee as authorized by the Judicial Conference of the United States and set by the Director of the Administrative Office. This fee shall be deducted upon release of the funds.

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### ***Notes of Advisory Committee***

#### ***2004 Amendment***

This amendment sets out how parties can place funds in the registry of the court and what steps are needed to withdraw funds from the registry of the court.

**PART VIII.**

**APPEALS TO DISTRICT COURT  
OR BANKRUPTCY APPELLATE PANEL**

**Rule 8001-1**

**NOTICE OF APPEAL**

A notice of appeal or motion for leave to appeal shall be filed in accordance with Fed. R. Bankr. P. 8001 and an appeals cover sheet (available from the Clerk) shall accompany the notice of appeal or motion for leave to appeal as may be filed with the Clerk.

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*Notes of Advisory Committee*

***1997 Amendment***

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

This rule was formerly Local Rule 4.02. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

## **Rule 8006-1**

### **DESIGNATION OF RECORD -- APPEAL**

(a) Until the United States District Court implements a CM/ECF system, the cost of copying the items to be included in the record on appeal shall be the responsibility of the party designating the item. The party designating the items may print the items directly from the Court's Electronic Filing System if the items are in the system in an electronic format.

(b) Once the United States District Court has implemented a CM/ECF system, the Clerk shall transmit the designated items electronically to the United States District Court, without the need for the party designating the items to provide copies of the items.

(c) A transcript order form (available from the Clerk) shall accompany a request for transcript filed pursuant to Fed. R. Bankr. P. 8007.

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### ***Notes of Advisory Committee***

#### ***2004 Amendment***

This amendment corrects the Bankruptcy Rules citation to that of the currently used citation. Further, this amendment, 8006-1(a) recognizes the ability of a party to print designated items directly from the Court's electronic filing system.

#### ***1997 Amendment***

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

Paragraph (a) of this rule was formerly Local Rule 4.04. Paragraph (b) of this rule was formerly Local Rule 4.03. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

## **PART IX.**

### **GENERAL PROVISIONS**

#### **Rule 9001-1**

#### **DEFINITIONS**

(a) The definitions of words and phrases contained in 11 U.S.C. §§ 101, 902, and 1101, and Fed. R. Bankr. P. 9001, and the rules of construction contained in 11 U.S.C. § 102 shall also apply in these rules.

(b) The following words and phrases used in these rules have the meaning indicated:

(1) "Filing User" means an attorney or other entity given a court-issued login and password, thereby giving authority to file, provide and receive service of documents by electronic means.

(2) "Electronic Transmission" or "E-mail" means delivery of pleadings or other documents through electronic communication, to be filed with the court or to be served on creditors or other parties in interest.

(3) "File" or "Filed" means the legal receipt of documents by the court; by paper, acknowledged by date stamp affixed to the paper by the Clerk or Judge; or by electronic transmission, acknowledged by the date verified by the Court's electronic filing system, CM/ECF.

(4) "Electronic Means" or "Electronic Methods" means a non-paper system of delivering documents to and from the Court and to and from attorneys and other parties, the original form of which may also be electronic. Such systems include the use of facsimile machines, Internet e-mail systems, and the Court's electronic filing system, CM/ECF.

(5) "Notice of Electronic Filing" means an electronic document produced by CM/ECF which certifies each filing with the Court.

## ***Notes of Advisory Committee***

### ***2004 Amendment***

This amendment corrects the Bankruptcy Rules citation to that of the currently used citation. Further, this amendment adds definitions for new words and phrases created in these local rules specifically because of the newly implemented electronic filing system, CM/ECF.

### ***1997 Amendment***

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

This rule was formerly Local Rule 1.01(e). The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

## **Rule 9004-2**

### **CAPTION -- PAPERS, GENERAL**

(a) All petitions, pleadings, motions, briefs, applications and orders tendered for filing shall contain on the first page a caption as in the Official Forms and in addition shall state in the title the name and designation of the party (e.g., Debtor, Creditor..., Plaintiff, Defendant, or the like) on whose behalf the paper is submitted, and a title descriptive of its contents.

(b) If demand for jury trial is contained within a pleading, the title of the pleading shall include the words "And Demand For Jury Trial" or the equivalent.

(c) If a pleading contains a prayer for injunctive relief pursuant to Fed. R. Bankr. P. 7065, the title of the pleadings shall include the words "Injunctive Relief Sought" or the equivalent.

(d) If a motion or pleading requests an emergency hearing, the title of the motion or pleading shall include the words "Emergency Hearing Requested" or the equivalent. Emergency hearings shall only be held where direct, immediate and substantial harm will occur to the interest of an entity in property, to the bankruptcy estate, or to the debtor's ability to reorganize if the parties are not able to obtain an immediate resolution of any dispute. An emergency motion will not be acted upon or set for an emergency hearing without completion and filing of a Certificate of Necessity of Request for Emergency Hearing in the form available from the Clerk's office setting forth sufficient facts justifying the need for an emergency hearing.

(e) If a filed pleading or other submission is in support of or opposition to a matter calendared for hearing, the hearing date and time shall be placed beneath the case number.

(f) A motion, application, or objection shall include a statement of the estimated total time required for hearing.

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## ***Notes of Advisory Committee***

### ***2004 Amendment***

This amendment corrects the Bankruptcy Rules citation to that of the currently used citation.

### ***1997 Amendment***

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

Paragraph (a) of this rule formerly was Local Rule 2.02(b). Paragraphs (b) through (f) of this rule formerly were paragraphs (a) through (e) of Local Rule 2.03. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

### ***1995 Amendment***

Local Rule 2.03(c) has been amended to make clear that the Certificate of Necessity of Request for Emergency Hearing which must be filed in connection with an emergency motion must set forth sufficient facts to justify the need for an emergency hearing.

These amendments were effective on February 15, 1995.

## **Rule 9004-3**

### **PAPERS -- AMENDMENTS**

(a) Except for amendments to schedules, petitions, lists, matrices, and statements of financial affairs subject to the provisions of Local Rule 1009-1, unless otherwise directed by the Court, any party permitted to amend a pleading, motion or other paper filed with the Court shall file the amended pleading in its entirety with the amendments incorporated therein.

(b) Except for amended complaints, counterclaims, third party complaints or cross claims, amendments to motions, applications, or the like should designate in the caption the reference and the date of the motion, application or the like that is being amended.

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### ***Notes of Advisory Committee***

#### ***1997 Amendment***

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

This rule was formerly Local Rule 2.07. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

## **Rule 9011-1**

### **ATTORNEYS -- DUTIES**

Unless allowed to withdraw from a case or proceeding by order of the Court pursuant to Local Rule 2091-1, counsel filing a petition on behalf of a debtor shall attend all hearings scheduled in the case or proceeding at which the debtor is required to attend under any provision of Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, these rules, or order of the Court; provided, however, counsel need not attend a hearing in regard to a matter in which the debtor is not a party and whose attendance has only been required as a witness.

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### ***Notes of Advisory Committee***

#### ***1997 Amendment***

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

This rule was formerly Local Rule 1.08(b). The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

## **Rule 9011-2**

### **PRO SE PARTIES; REPRESENTED PARTIES**

Any party for whom a general appearance of counsel has been made shall not thereafter take any step or be heard in the case in proper person, absent prior leave of Court; nor shall any party, having previously elected to proceed in proper person, be permitted to obtain special or intermittent appearances of counsel except upon such conditions as the Court may specify.

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### ***Notes of Advisory Committee***

#### ***1997 Amendment***

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

This rule was formerly Local Rule 1.08(c). The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

### **Rule 9011-3**

#### **SANCTIONS**

The Court, on its own motion or on the motion of any party in interest, may impose sanctions for failure to comply with the Local Rules, including, without limitation, dismissal of the case or the proceeding, conversion of the case, denial of the motion filed by the party, striking of pleadings or other submissions, the staying of any further proceedings until verification of compliance with the Local Rules has been filed with the Court or as may otherwise be appropriate under the circumstances.

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#### ***Notes of Advisory Committee***

##### ***1997 Amendment***

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

This rule was formerly Local Rule 1.02. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

**NOTE! On December 1, 2009, Local Rule 9011-4(f)(3) was changed to remove the word "business" from the calculation of days.**

#### **Rule 9011-4**

#### **SIGNATURES**

(a) Every pleading and other submission filed on behalf of a party represented by counsel shall, in addition to full compliance with Fed. R. Bankr. P. 9011, include the attorney's state bar registration number, Internet e-mail address (if available), and facsimile phone number (if available).

(b) The user login and password required to submit documents via the Electronic Filing System serve as the Filing User's signature on all electronic documents filed with the Court. They also serve as a signature for purposes of Fed. R. Bankr. P. 9011, the Federal Rules of Bankruptcy Procedure, the Local Rules, and any other purpose for which a signature is required in connection with proceedings before the Court. Electronically filed documents must include a signature block and must set forth the name, address, telephone number and the attorney's Florida bar registration number, if applicable. In addition, the name of the Filing User under whose login and password the document is submitted must be preceded by an "/s/" and typed in the space where the signature would otherwise appear.

(c) No Filing User or other person may knowingly permit or cause to permit a Filing User's password to be used by anyone other than an authorized agent of the Filing User. It shall not be permissible for an attorney to use another attorney's password to file a pleading. A Filing User agrees to protect the security of the Filing User's log-in and password and shall immediately notify the Clerk if the security of their password has been compromised. A Filing User may be subject to sanctions for failure to comply with this provision.

(d) Papers that are electronically submitted that require the signature of anyone other than the Filing User shall either contain a scanned image of any manual signature affixed thereto or display "/s/" with the name typed in the space where the signature would otherwise appear.

(e) Any Verified Document not containing an original signature shall be accompanied by a "Declaration Under Penalty of Perjury for Electronic Filing" in a PDF format containing an image of the original signature of the party signing the paper. This form is available on the Court's website.

(f) Documents requiring signatures of more than one party must be electronically filed either by: (1) submitting a scanned document containing all necessary signatures; (2) representing the consent of the other parties on the document; (3) identifying on the document the parties whose signatures are required and by the submission of a notice of endorsement by the other parties no later than three days after filing; or (4) in any other manner approved by the Court.

(g) On request, the Filing User must provide original documents for review to the Court, the office of the United States Trustee, or party in interest as ordered by the Court.

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### ***Notes of Advisory Committee***

#### ***2004 Amendment***

This amendment corrects the Bankruptcy Rules citation to that of the currently used citation. Further, this amendment added as section (a) requests attorneys to list their Internet e-mail addresses if available to assist the Clerk in noting such information to be used for notification purposes.

The amendments under sections (b) through (d) are new and are adapted from the "Model Local Bankruptcy Court Rules for Electronic Case Filing" approved on September 11, 2001 by the Judicial Conference of the United States Courts. Signature issues are a subject of considerable interest and concern. The CM/ECF system is designed to require a login and password to file a document. This Rule provides that use of the login and password constitutes a signature, and assures that such a signature has the same force and effect as a written signature for purposes of the Federal Rules of Bankruptcy Procedure, including Fed. R. Bankr. P. 9011, and any other purpose for which a signature is required on a document in connection with proceedings before the court.

At the present time, other forms of digital or other electronic signature have received only limited acceptance. It is possible that over time and with further technological development, a system of digital signature may replace the current password system.

Some users of electronic filing systems have questioned whether an s-slash requirement is worth retaining. The better view is that an s-slash is necessary; otherwise there is no indication that documents printed out from the website were ever signed. The s-slash provides some indication when the filed

document is viewed or printed that the original was in fact signed.

As attorney or other Filing User is not required to personally file his or her own documents. The task of electronic filing can be delegated to an authorized agent, who may use the login and password to make the filing. However, use of the login and password to make the filing constitutes a signature by the Filing User under the Rule, even though the Filing User does not do the physical act of filing.

### ***1997 Amendment***

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

This rule was formerly Local Rule 2.02(d). The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

### ***1995 Amendment***

The amendment to Local Rule 2.02(d) adds the requirement that an attorney's facsimile phone number (if available) be listed on any pleading or other submission to the court.

These amendments were effective on February 15, 1995.

## **Rule 9014-1**

### **SERVICE AND PROOF OF SERVICE -- CONTESTED MATTERS**

That portion of Fed. R. Bankr. P. 7005 represented by Fed. R.Civ.P.a)-(d) applies in contested matters. Proof of service of pleadings and papers in contested matters (other than proof of initial service required to be made pursuant to Fed. R. Bankr. P. 9014 or 7004) shall be made in accordance with the provisions of Local Rule 7005-1 and 7005-2.

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#### ***Notes of Advisory Committee***

##### ***2004 Amendment***

This amendment corrects the Bankruptcy Rules citation to that of the currently used citation. Further, this amendment makes new Local Rule 7005-2 applicable to Contested Matters to the extent permitted under the Federal Rules of Bankruptcy Procedure, these Rules or any Order of the Court.

##### ***2000 Amendment***

This is a technical amendment. No change in substance is contemplated. The amendment is effective on December 1, 2000.

##### ***1997 Amendment***

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

This rule is new. It is needed to eliminate an ambiguity as to the service and proof of service requirements for papers in contested matters that would otherwise be created in the renumbering process.

## **Rule 9014-2**

### **GENERAL PROVISIONS REGARDING DISCOVERY -- CONTESTED MATTERS**

In applying the provisions of Fed. R. Bankr. P. 7026 to contested matters, the court directs that:

(a) Initial and subsequent disclosure requirements described in Fed. R.Civ.P. 26(a)(1) through (3) are not mandatory, except as stipulated by the parties or otherwise ordered by the Court.

(b) The conference and reporting requirements of Fed. R.Civ.P. 26(f) are not mandatory, except as stipulated by the parties or otherwise ordered by the Court.

(c) Unless the Court orders the application of the conference requirement of Fed. R.Civ.P. 26(f), the parties may initiate any method of discovery immediately after service is accomplished under Fed. R. Bankr. P. 7004.

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### ***Notes of Advisory Committee***

#### ***2004 Amendment***

This amendment corrects the Bankruptcy Rules citation to that of the currently used citation.

#### ***2000 Amendment***

Pursuant to Fed. R. Bankr. P. 9014, Fed. R. Bankr. P. 7026 applies in contested matters "unless the court otherwise directs." This new local rule reflects the judgment of the Committee that the mandatory disclosure requirements of Fed. R.Civ.P. 26(a)(1) through (3) are burdensome, unwieldy, and of no benefit in routine contested matters. In an exercise of the Court's discretion under Fed. R. Bankr. P. 9014, therefore, the Court directs in paragraph (a) that these provisions are not mandatory in contested matters. The Court retains the ability to order these disclosures in individual contested matters, and the parties retain the ability to agree to apply the disclosure provisions in individual contested matters.

The provisions of paragraphs (b) and (c) logically flow from the elimination of the mandatory disclosure requirements as provided in paragraph (a). Without the mandatory disclosure requirements, the conference and reporting requirements of Fed. R.Civ.P. 26(f) are unnecessary. Similarly, there is no need for a discovery moratorium before that conference.

The new local rule contained here is made necessary by the December 1, 2000, amendments to the Fed. R.Civ.P. 26 and Local Rule 7026-1. See the Notes of Advisory Committee as to the December 1, 2000, amendments to Local Rule 7026-1. Although mandatory disclosures, Rule 26(f) conferences and reports, and discovery moratoriums now apply in adversary proceedings, they do not apply in contested matters as a consequence of this new local rule.

Pursuant to Local Rule 9014-1, those portions of Fed. R. Bankr. P. 7005 applying Fed. R.Civ.P. 5(a)-(d) apply in contested matters. As part of the December 1, 2000, amendments to the Federal Rules of Civil Procedure, Fed. R.Civ.P. 5 was amended as to the filing of disclosure and discovery materials. Under Rule 5(d), as amended, disclosures under Rule 26(a)(1) and (2) and discovery requests and responses under Rules 30, 31, 33, 34, and 36 must not be filed until they are used in the action. Disclosures under Rule 26(a)(3), however, are to be filed with the Court. Because Fed. R.Civ.P. 5(d) applies in contested matters by virtue of Local Rule 9014-1 and applies in adversary proceedings by virtue of Fed. R. Bankr. P. 7005, disclosure and discovery papers in contested matters are filed -- or not filed -- in the same circumstances as disclosure and discovery papers in adversary proceedings. Local Rule 7005-2 formerly addressed this issue, but the Court abrogated that rule effective on December 1, 2000. See Notes of Advisory Committee as to the December 1, 2000, amendments to Local Rule 7005-2.

This amendment is effective on December 1, 2000.

**NOTE! On December 1, 2009, the 10 day period in  
Local Rule 9015-1(c) became a 14 day period.**

## **Rule 9015-1**

### **JURY TRIAL**

(a) The method of voir dire examination and exercise of challenges in selection of the jury shall be as specified by the Court. A list of the venire will be furnished to counsel only at the time the case is called for trial, and prior to commencement of voir dire examination (unless otherwise required by governing rule or statute), and must be returned to the Clerk when the jury is empaneled. No person shall copy from or reproduce, in whole or in part, a list of the venire.

(b) All requests for instructions to the jury shall be submitted in writing within the time specified by the Court. Such requests, and supplemental requests, if any, shall be marked with the name and number of the case, shall designate the party submitting the request, shall be numbered in sequence, and shall contain citation of supporting authorities, if any.

(c) No attorney or party shall undertake, directly or indirectly, to interview any juror after trial in any civil case except as permitted by this rule. If a party believes that grounds for legal challenge to a verdict exists, the party may move for an order permitting an interview of a juror or jurors to determine whether the verdict is subject to the challenge. The motion shall be served within ( ) fourteen (14) days after rendition of the verdict unless good cause is shown for the failure to make the motion within that time. The motion shall state the name and address of each juror to be interviewed and the grounds for the challenge that the moving party believes may exist. The presiding judge may conduct such hearings, if any, as necessary, and shall enter an order denying the motion or permitting the interview. If the interview is permitted, the Court may prescribe the place, manner, conditions, and scope of the interview.

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## *Notes of Advisory Committee*

### *1998 Amendment*

On December 1, 1997, amendments to the Federal Rules of Bankruptcy Procedure added new Rule 9015, entitled "Jury Trials." This new rule was made necessary by the addition of 28 U.S.C. § 157(e) contained in the Bankruptcy Reform Act of 1994, Pub. L. 103-394. The Court had adopted paragraphs (a) through (e) of Local Rule 9015-1 because their subject matter was not covered in the Federal Rules of Bankruptcy Procedure. These paragraphs of the local rule are now abrogated as duplicative of the national rule.

The remaining parts of the local rule, paragraphs (f) through (h), are derived from the comparable District Court Local Rule 5.01. These paragraphs are redesignated paragraphs (a) through (c), respectively.

The District Court has specifically designated all of the bankruptcy judges of the Court to conduct jury trials pursuant to 28 U.S.C. § 157(e). See District Court Order No. 94-127-MISC-J-16, entered on December 1, 1994. Although Fed. R. Bankr. P. 9015(b) contemplates that the Court by local rule might establish a time by which the parties must consent to a jury trial conducted by a bankruptcy judge, this amendment does not attempt to establish such a time. Instead, the Committee is of the view that the parties and the Court should have the flexibility to allow consent to be given at any time.

This amendment is effective on October 15, 1998.

### *1997 Amendment*

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

This rule was formerly Local Rule 2.18. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

**NOTE! On December 1, 2009, the 15 day period in  
Local Rule 9019-1(b) became a 14 day period.**

## **Rule 9019-1**

### **SETTLEMENTS & AGREED ORDERS**

(a) Upon the settlement of any trial or motion that will totally conclude the pending matter, counsel for the plaintiff or movant shall immediately notify the Clerk's office or chamber's personnel that the matter has been settled, and that appropriate papers to conclude the matter will be forthcoming immediately. If the hearing has not been noticed to all creditors, the Court in its discretion may cancel the hearing or may require counsel to appear at the time set for the hearing to dictate the settlement into the record.

(b) When notified that an adversary proceeding has been settled and for purposes of administratively closing the file, the court may order that a proceeding be dismissed subject to the right of any party to file a motion within ( ) fourteen (14) days thereafter (or within such other period of time as the Court may specify) for the purpose of entering a stipulated form of final order or judgment; or, on good cause shown, to reopen the proceeding for further proceedings.

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### ***Notes of Advisory Committee***

#### ***1997 Amendment***

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

This rule was formerly Local Rule 2.08(i) and (j). The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

#### ***1995 Amendment***

Local Rule 2.08(g) has been moved and renumbered 2.08(i). No substantive change is intended.

Local Rule 2.08(j) is new. It provides that, upon notification that an adversary proceeding has been settled, the proceeding may be administratively closed. For purposes of entering a stipulated form of final order or judgment or in the event that the parties are unable to satisfactorily conclude documentation of the settlement, the court may reopen the proceeding. The amendment is substantially similar to District Court Local Rule 3.08(b).

These amendments were effective on February 15, 1995.

**NOTE! On December 1, 2009, several deadlines in this Local Rule changed; the 5 day period in 9019-2(b)(1) became a 7 day period; the 15 day period in 9019-2(d)(1) and the 10 period in 9019-2(f) became 14 day periods; the 20 day period in 9019-2(f) became a 21 day period.**

## **Rule 9019-2**

### **ALTERNATIVE DISPUTE RESOLUTION (ADR); MEDIATION**

#### **(a) Appointment of Mediators:**

(1) Mediation Register. The Clerk shall establish and maintain a register of qualified attorneys who have volunteered to serve as mediators in contested matters and adversary proceedings in cases pending in the Court. The attorneys so registered shall be selected by the judges from a list of attorneys who meet the qualifications hereinafter described.

(2) Qualifications of Mediator. To qualify for service as a mediator under this rule, an attorney must meet the following minimum qualifications:

(i) Be an active member of The Florida Bar, duly licensed to practice before the courts of the State of Florida and the federal courts for the Middle District of Florida;

(ii) Have been admitted to practice in a state or federal court for at least four (4) years;

(iii) In at least ten (10) bankruptcy matters, the attorney:

(1) Has served as the attorney of record for the debtor, trustee, or committee from commencement through conclusion; or

(2) Has served as the attorney of record for a party in interest in adversary proceedings or contested matters from commencement through completion; and

(3) Has completed a mediation training course which has qualified for continuing legal education credit or as been approved by a court of competent jurisdiction; or

(4) Has been qualified as a mediator under another state or federal mediation program.

(3) Mediator Application Procedures. Each attorney who wishes to be selected as a mediator must submit an application on the court approved form to the Clerk.

(4) Removal from Register. The Clerk shall remove an attorney from the register of mediators at the attorney's request or at the direction of the Court in the exercise of its discretion. If removed at the attorney's own request, the attorney thereafter may request to be reappointed to the register without the necessity of submitting a new application. Upon receipt of such request, the Clerk shall reassign such qualified attorney to the register.

(5) Mediator's Oath. Every mediator shall take the oath or affirmation prescribed by 28 U.S.C. § 453 before serving as a mediator.

(6) Disqualification of a Mediator. Any person selected as a mediator may be disqualified for bias or prejudice as provided in 28 U.S.C. § 144 and shall be disqualified in any action in which the mediator would be required to do so if the mediator were a judge governed by 28 U.S.C. § 455.

(b) Assignment of Matters to Mediation:

(1) The Court may order the assignment of a matter or proceeding to mediation at a pretrial conference or other hearing, upon the request of any party in interest, the U.S. Trustee, or upon the Court's own motion. Notwithstanding the assignment of a matter or proceeding to mediation, the Court shall set such matter or proceeding for trial, final hearing, pretrial conference or other proceeding as is appropriate in accordance with the Federal Rules of Bankruptcy Procedure or Local Rules and procedures. The Court shall appoint a mediator and, if necessary, an alternate mediator, from the register of mediators on a blind rotation basis. If the parties stipulate to a particular person on the register of mediators, the Court may appoint that person as mediator. If the mediator is unable to serve, he or she shall file, within ( ) seven (7) days after receipt of the notice of appointment, a notice of inability to serve, and the Court shall appoint the alternate as a replacement mediator. Upon assignment of a matter or proceeding to mediation, each party thereto shall comply with this rule and any requirements imposed by the Court. The Clerk shall provide copies of procedures to the parties and forms to the mediator.

(2) Notwithstanding a matter being referred to mediation, discovery and preparation for final hearing pursuant to any order setting matter for hearing or the Federal Rules of Bankruptcy Procedure shall not be stayed by mediation.

(c) Types of Cases Subject to Mediation:

(1) Unless otherwise ordered by the presiding judge, any civil action, adversary proceeding, or contested matter may be referred by the Court to mediation providing the matter, proceeding, or case has not previously been a subject of mediation in this Court.

(2) Any action, proceeding, or claim or contested matter may be referred to mediation conference upon stipulation by counsel of record.

(d) Mediation Conference:

(1) Upon consultation with the parties and their attorneys, the mediator shall fix a reasonable time and place for the mediation conference and shall give the parties at least ( ) fourteen (14) days advance written notice of the conference or such shorter time as may be agreed to by the parties. The conference shall be set as soon after the entry of the mediation order and as far in advance of the final evidentiary hearing as practicable. In keeping with the goal of prompt dispute resolution, the mediator shall have the duty and authority to establish the time for mediation activities including a deadline for the parties to act upon a settlement or upon mediated recommendation.

(2) An attorney who is responsible for each party's case shall attend the mediation conference. Each individual party and the representatives of each non-individual party shall appear with the authority to negotiate the amount and issues in dispute. The mediator shall determine when the parties are to be present in the conference room. The mediator shall report to the Court willful failure to attend the mediation conference or to participate in the mediation process in good faith, which failure may result in the imposition of sanctions by the Court.

(e) Recommendations of Mediator:

(1) The mediator shall have no obligation to make any written comments or recommendations; provided, however that the mediator in his or her discretion may furnish the attorneys for the parties with a written settlement recommendation. No copy of any such recommendation shall be filed with the Clerk or the Court.

(f) Post-Mediation Procedures:

Within ( ) fourteen (14) days after the mediation conference, the mediator shall file with the Court a report showing compliance or non-compliance by the parties with the mediation order and the results of the mediation. If the parties have reached an agreement regarding the disposition of the matter or proceeding, they shall prepare and submit to the Court within ( ) twenty-one (21) days of the filing of the mediator's report an appropriate stipulation and joint motion for approval or compromise of controversy which shall be set for hearing. Failure to file a motion to compromise controversy or motion to approve stipulation as required herein shall be a basis for the Court to impose appropriate sanction. If the mediator's report shows mediation has ended in an impasse, the matter will be tried as scheduled.

(g) Confidentiality:

Other than the official mediator's report, the mediator's questionnaire, documents and any statements made by the parties, attorneys and other participants presented or made during mediation proceedings shall, in all respects, be privileged and not reported, recorded, or placed into evidence, made known to the Court or construed for any purpose as an admission. No party shall be bound by any statement made or action taken at the mediation conference unless a settlement is reached, in which event the agreement shall be reduced to writing pursuant to paragraph (f) of this Rule. Rule 408 of the Federal Rules of Evidence shall apply to mediation proceedings.

(h) Withdrawal from Mediation:

Any action, claim, adversary proceeding or contested matter referred to mediation pursuant to these rules may be withdrawn from mediation by the presiding judge at any time upon determination for any reason the matter is not suitable for mediation. Nothing in these rules shall prohibit or prevent any party in interest, U.S. Trustee, or mediator from filing an appropriate motion to withdraw a matter from mediation for cause.

(i) Compliance with the Bankruptcy Code and Rules:

Nothing in this rule shall relieve any debtor, party in interest, or the U.S. Trustee from complying with any other orders of this Court, the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, or these rules.

(j) Mediation Forms:

Each presiding judge may adopt official forms to implement these procedures.

(k) Nothing in this rule is intended to limit the authority of the presiding judge to order, or the parties to agree, to mediation:

(1) by any person selected, whether or not on the mediation register or selected on a blind rotation basis; or

(2) by procedure different from those set forth in this rule.

If the Court orders mediation other than pursuant to the methods and procedures of this rule, the provisions of paragraphs (g) and (i) shall nevertheless apply.

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### ***Notes of Advisory Committee***

#### ***1997 Amendment***

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

This rule was formerly Local Rule 2.23. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

#### ***1995 Amendment***

The amendment to Local Rule 2.23(b) makes clear that if the parties stipulate to a particular person on the register of mediators, the Court may appoint that person as mediator.

The amendment to Local Rule 2.23(d) (1) makes clear that the parties may agree to a shorter notice period for the mediation conference.

Paragraph (k) is new. It clarifies that the Court and the parties retain the flexibility to order or conduct mediation in ways other than that described in this rule. If the Court orders mediation other than pursuant to the methods and procedures

contained in this rule, the confidentiality and compliance provisions of the rule will nevertheless apply to that mediation.

These amendments were effective on February 15, 1995.

## **Rule 9027-1**

### **REMOVAL/REMAND**

The party effecting removal of a claim or cause of action pursuant to 28 U.S.C. § 1452 and Fed. R. Bankr. P. 9027 shall file with the notice of removal copies of all process, pleadings, orders and other papers or exhibits of every kind, including depositions, then on file in the state court.

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### ***Notes of Advisory Committee***

#### ***2004 Amendment***

This amendment corrects the Bankruptcy Rules citation to that of the currently used citation.

#### ***1997 Amendment***

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

This rule was formerly Local Rule 1.06A. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

#### ***1995 Amendment***

Local Rule 1.06A is new. It gives effect to Fed. R. Bankr. P. 9027(e)(3) which permits the bankruptcy judge to require the party filing the notice of removal to file with the Clerk copies of all records and proceedings relating to the claim or cause of action in the court from which the claim or cause of action was removed. It is derived from District Court Local Rule 4.02(b).

These amendments were effective of February 15, 1995.

## **Rule 9033-1**

### **REVIEW OF PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW IN NON-CORE PROCEEDINGS**

(a) Every written (i) objection to proposed findings of fact and conclusions of law in non-core proceedings pursuant to Fed. R. Bankr. P. 9033, (ii) response thereto, and (iii) any other motion, application, objection, or response that statute, the Federal Rules of Bankruptcy Procedure, these rules, an order, or the circumstances require be filed with the Clerk of this Court, but be heard and determined by the District Court, shall be accompanied upon filing and service by a legal memorandum with citation of authorities in support of, or in opposition to, the relief requested.

(b) Absent prior permission of the District Court, no party shall file any legal memorandum in excess of twenty (20) pages in length.

(c) The objections, motions, and matters within the scope of this rule shall not be deemed complete for purposes of transmittal to the Clerk of the District Court for hearing and determination until the parties have complied with the briefing requirements of this rule.

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### ***Notes of Advisory Committee***

#### ***2004 Amendment***

This amendment corrects the Bankruptcy Rules citation to that of the currently used citation.

#### ***1997 Amendment***

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

This rule was formerly Local Rule 1.05(a). The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

## **Rule 9036-1**

### **NOTICE BY ELECTRONIC TRANSMISSION; SERVICE BY FACSIMILE**

(a) Service of any pleading or paper other than those required to be served in compliance with Fed. R. Bankr. P. 9014 or 7004 may be made by transmitting it by facsimile or by other electronic means to the attorney's or party's office with a cover sheet containing the sender's name, firm, address, telephone number, facsimile number, Internet e-mail address, and the number of pages transmitted. When service is made by facsimile or other electronic means, a copy shall also be served by any other method permitted by Fed. R. Bankr. P. 7005 unless the party being served has consented to receive service by electronic transmission or facsimile. Service by facsimile after 5:00 p.m. (at the point of delivery) shall be deemed to have been made on the next business day. Service by facsimile constitutes a method of hand delivery for the purpose of computing the time within which any response is required.

(b) Three days shall be added when computing the time within which any response is required when service is effected by facsimile or by other electronic methods.

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### ***Notes of Advisory Committee***

#### ***2004 Amendment***

This amendment corrects the Bankruptcy Rules citation to that of the currently used citation. Further, this amendment conforms this local rule to related new Federal Rules of Bankruptcy Procedures amendments. These changes permit the service of most documents via electronic methods between parties who have consented to do so in writing pursuant to Fed. R. Bankr. P. 7005(b)(2)(d). This amendment also corrects a technical error associated with time computation of documents served by facsimile. Regardless of the electronic method used, it is now clear that 3 days is added to the prescribed deadline.

### ***1997 Amendment***

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

This rule was formerly Local Rule 2.02(c). The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

### ***1995 Amendment***

The amendment to Local Rule 2.02(c) allows service by facsimile of motions (other than motions required to be served in compliance with Fed. R. Bankr. P. 9014 and 7004), briefs, applications and submissions in response to motions, briefs, or applications. These changes are substantially identical to provisions contained in District Court Local Rule 1.07(c).

These amendments were effective on February 15, 1995.

## Rule 9070-1

### EXHIBITS

(a) Prior to an evidentiary hearing or trial of an adversary proceeding or a contested matter, counsel for the parties shall mark and list any exhibits proposed to be introduced into evidence in compliance with this rule.

(b) Each exhibit shall be tagged separately with a tag containing the following information:

Rec. as _____	Ex. No. _____
For I.D. ____ or Evidence ____ (Ck. One)	
Case No. _____	Adv. No. _____
Attorney Submitting _____	
Party Submitting _____	
This ____ day of _____, 20__.	
By: _____, Deputy Clerk	

(c) Exhibits should be identified numerically commencing with number 1.

(d) All exhibits must be listed, in order, on a separate sheet of paper which shall include the case number, adversary number, debtor's name, designation as to plaintiff and defendant, and columns with the following headings: For I.D., In Evidence, Exhibit Number, Plaintiff, Defendant, Description.

(e) The original and one copy of the documentary exhibits and listing of exhibits shall be furnished to the Clerk at the commencement of the hearing or trial. An additional copy shall be made available for use by witnesses. In addition, copies of all documentary exhibits and the listing of exhibits shall be exchanged between counsel.

(f) All exhibits produced at hearing or trial which are not premarked shall be tendered to and marked by the Clerk as they are presented in evidence.

(g) Counsel will offer photographs with exhibits other than documents and will offer 8 1/2 x 11 inch reductions along with documentary exhibits larger than 8 1/2 x 14 inches. Counsel will attach exhibit tags to both exhibits and substitutes, identifying corresponding exhibits and substitutes with the same number. Unless the Court orders otherwise, at the conclusion of the trial or hearing at which the exhibits are offered, if the clerk has custody of substitutes, the clerk will return the corresponding original exhibits to counsel.

(h) If an appeal is taken, substitutes will be included in the record on appeal.

(i) Upon the expiration of thirty (30) days after an order or judgment concluding a contested matter or an adversary proceeding is entered, including the entry of an order determining any post-judgment motions, provided that no appeal is pending, or if an appeal is taken, upon filing of the mandate, the Clerk may notify the party who offered exhibits and discovery materials in connection with such contested matter or adversary proceeding of the requirement that such exhibits must be removed within thirty (30) days. If such exhibits and discovery materials are not removed within thirty (30) days from the date of such notice, the Clerk may destroy them or make such other disposition as the Court may direct.

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### ***Notes of Advisory Committee***

#### ***1997 Amendment***

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

This rule was formerly Local Rule 2.13. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

### ***1995 Amendment***

The amendment to Local Rule 2.13(e) requires that additional copies of exhibits shall be made available for use by witnesses. The deletion of the word "period" after "trial" is stylistic; no substantive change is intended.

The provisions in Local Rule 2.13(h), which dealt with notification to counsel of the obligation to pick up exhibits and the consequence of the failure to do so, have been deleted as this is now dealt with exclusively by Local Rule 2.13(i).

For purposes of Local Rule 2.13(i), the term "post-judgment motion" shall mean a timely motion; (1) to amend or make additional findings of fact under Fed. R. Bankr. P. 7052, whether or not granting the motion would alter the judgment; (2) to alter or amend the judgment under Fed. R. Bankr. P. 9023; (3) for a new trial under Fed. R. Bankr. P. 9023; or (4) for relief under Fed. R. Bankr. P. 9024 if the motion is filed no later than ten (10) days after the entry of judgment.

These amendments were effective on February 15, 1995.

## **Rule 9070-2**

### **ATTACHMENTS – ELECTRONIC SUBMISSION OF**

Filing Users shall submit in electronic form all documents referenced as attachments, unless the court permits conventional filing. A Filing User may submit as attachments only those excerpts of the referenced documents that are directly germane to the matter under consideration by the court. Excerpted material must be clearly and prominently identified as such. Filing Users who file excerpts of documents as attachments under this rule do so without prejudice to their right to timely file additional excerpts or the complete document. Responding parties may timely file additional excerpts or the complete document that they believe are directly germane.

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### ***Notes of Advisory Committee***

#### ***2004 Amendment***

This amendment was adapted from the “Model Local Bankruptcy Court Rules for Electronic Case Filing” approved on September 11, 2001 by the Judicial Conference of the United States Courts. This amendment gives Filing Users additional flexibility when submitting exhibits or documentary attachments to pleadings in that they may choose to file exhibits electronically before a hearing on the matter commences. Additionally, this amendment provides another incentive for attorneys to consider registering as a Filing User because costs associated with reproducing lengthy exhibits would be eliminated. The Clerk will specify procedures for exhibits submission within the Electronic Filing Procedures Guide. Such items as size of document limitations and delivery method will be described.

## **Rule 9071-1**

### **STIPULATIONS**

No stipulation governing procedural matters between any parties, the existence of which is not conceded, will be considered by the Court unless it is made before the Court and noted in the record or is reduced to writing by the party or attorney against whom it is asserted.

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### ***Notes of Advisory Committee***

#### ***1997 Amendment***

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

This rule was formerly Local Rule 2.17. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

## **Rule 9072-1**

### **ORDERS -- PROPOSED**

(a) All proposed orders shall carry a full, descriptive title detailing the nature of the motion or application ruled upon and shall state the date of the hearing.

(b) No proposed order or judgment will be signed where the date or signature is the only text on a page.

(c) All orders should carry the full case number and set forth the judge's complete signature block and should be submitted within three (3) days after the date of the hearing.

(d) Proposed orders should also recite the events that resulted in the entry of the order with phrases such as "after a hearing," "after due notice and no response having been filed," or "after due notice and a consent having been filed." Likewise if orders involve real estate that is property of the estate, a full and complete legal description is required.

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### ***Notes of Advisory Committee***

#### ***2004 Amendment***

This amendment allows Filing Users to submit proposed orders to the Court by electronic means. The Clerk will be responsible for setting up an electronic acceptance system in order to transmit proposed orders from parties to judges' chambers.

#### ***1997 Amendment***

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

This rule was formerly Local Rule 2.11. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

### ***1995 Amendment***

The amendments are stylistic. No substantive change is intended.

These amendments were effective on February 15, 1995.